

EIGHTY-SECOND DAY

THURSDAY, MAY 22, 1997

PROCEEDINGS

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by President Pro Tempore Zaffirini.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Carona.

The President Pro Tempore announced that a quorum of the Senate was present.

The Reverend Terry Colley of Austin, Pastor, School Creek Baptist Church, Lampasas, offered the invocation as follows:

Our heavenly Father, we want to lift up our voices in gratitude this morning for this great State of Texas that You have given us. We know that along with the privilege of being called a Texan comes the responsibility of being a good steward of the state's resources. As this legislative session draws to a close and the workdays extend into the evening, give these ladies and gentlemen the strength, endurance, and wisdom necessary to draft legislation that will benefit the people of this state, and legislation that will glorify You. Pour Your blessings out upon each Member of this elected body, upon their staff, and upon those who will conduct the business of state government in this chamber today, and forgive us of our sins. I ask all these things in the name of our Lord and Savior, Jesus Christ. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Shapiro, Senator Carona was granted leave of absence for today on account of important business.

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Tim Lambert of Garland, was introduced to the Senate by Senator Nelson, on behalf of Senator Carona.

The Senate expressed appreciation and gratitude to Dr. Lambert for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(Senator Sibley in Chair)

SENATE BILL 910 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 910** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 910** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the use of electronic transfer and data matching in connection with certain benefits programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.045 to read as follows:

Sec. 531.045. INTERAGENCY TASK FORCE ON ELECTRONIC BENEFITS TRANSFERS. (a) The interagency task force on electronic benefits transfers shall advise and assist the commission in adding new benefit programs to the statewide electronic benefits transfer system.

(b) The task force is composed of:

(1) a representative of:

(A) the attorney general's office, appointed by the attorney general;

(B) the comptroller's office, appointed by the comptroller;

(C) the commission, appointed by the commissioner;

(D) the Texas Department of Health, appointed by the commissioner of public health;

(E) the Texas Department of Human Services, appointed by the commissioner of human services;

(F) the Texas Workforce Commission, appointed by the presiding officer of that agency; and

(G) the Texas Rehabilitation Commission, appointed by the commissioner of that agency; and

(2) two representatives of each of the following groups, appointed by the comptroller:

(A) retailers who maintain electronic benefits transfer point-of-sale equipment;

(B) banks or owners of automatic teller machines; and

(C) consumer or client advocacy organizations.

(c) A member of the task force serves at the will of the appointing agency.

(d) The representative of the comptroller's office serves as presiding officer. The task force may elect any other necessary officers.

(e) The task force shall meet at the call of the presiding officer.

(f) The appointing agency is responsible for the expenses of a member's service on the task force. A member of the task force is not entitled to additional compensation for serving on the task force.

(g) The task force shall:

(1) serve as this state's counterpoint to the federal electronic benefits transfer task force;

(2) identify benefit programs that merit addition to this state's electronic benefits transfer system;

(3) identify and address problems that may occur if a program is added;

(4) pursue state-federal partnerships to facilitate the development and expansion of this state's electronic benefits transfer system;

(5) track and distribute federal legislation and information from other states that relate to electronic benefits transfer systems;

(6) ensure efficiency and planning coordination in relation to this state's electronic benefits transfer system;

(7) develop a plan using the experience and expertise of appropriate state agencies for the use of a photograph or other imaging technology on all electronic benefits transfer cards and, if proven to be effective in reducing fraud and misuse, begin using the new cards starting with replacement cards for cards that were used in the program on June 13, 1995;

(8) review current and potential fraud problems with electronic benefits transfer and propose methods to prevent or deter fraud;

(9) evaluate the feasibility of adding the Medicaid program to the state's electronic benefits transfer system; and

(10) develop a plan to assist beneficiaries of public programs to obtain bank accounts.

(h) In determining which benefit programs can be added to this state's electronic benefits transfer system, the task force shall consider, at a minimum:

(1) the savings to this state;

(2) the ease of addition to existing infrastructure; and

(3) the number of clients served.

SECTION 2. Subsections (a) and (b), Section 22.029, Human Resources Code, are amended to read as follows:

(a) In order to enhance the state's ability to detect and prevent fraud in the payment of claims under federal and state entitlement programs, the Health and Human Services Commission shall [may] implement a data matching project as described by Subsection (b). The costs of developing and administering the data matching project shall be paid entirely from amounts recovered by participating agencies as a result of potential fraudulent occurrences or administrative errors identified by the project.

(b) The project shall involve the matching of database information among all agencies using electronic funds transfer and other participating agencies. The commission shall contract through a memorandum of

understanding with each agency participating in the project. After the data has been matched, the commission shall furnish each participating agency with a list of potential fraudulent occurrences or administrative errors.

SECTION 3. Chapter 22, Human Resources Code, is amended by adding Section 22.0291 to read as follows:

Sec. 22.0291. PROJECT FOR IDENTIFYING PERSONS ELIGIBLE FOR BENEFITS THROUGH DATA MATCHING. (a) The Texas Department of Health shall implement a data matching project to locate individuals who qualify to participate in the federal special supplemental food program for women, infants, and children. The department shall notify eligible persons and encourage them to apply for the program.

(b) The department shall identify other state agency databases that could be matched with the department's database for the federal special supplemental food program for women, infants, and children. The department shall contract through a memorandum of understanding with each agency participating in the project.

(c) Agencies participating under Subsection (b) shall cooperate fully with the department and promptly provide data in the requested format.

(d) The department and participating agencies providing source data for the project shall take all necessary steps to protect the confidentiality of information provided as part of this project, in compliance with all existing state and federal privacy guidelines.

(e) The Texas Department of Health shall identify the databases for the matching project not later than December 30, 1997, and shall begin database matching not later than July 1, 1998.

SECTION 4. (a) In addition to the substantive changes made by this Act, this Act conforms Chapter 531, Government Code, to Section 8.10, Chapter 655, Acts of the 74th Legislature, Regular Session, 1995.

(b) Section 8.10, Chapter 655, Acts of the 74th Legislature, 1995, is repealed.

(c) To the extent of any conflict, this Act prevails over another Act of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. (a) The interagency task force on electronic benefits transfers shall review each agency that makes recurring payments to an individual or transmits data on state clients to determine the feasibility of using electronic benefits transfer or direct deposit to make the recurring payments or data transmission.

(b) The interagency task force on electronic benefits transfers shall report its findings to the governor, lieutenant governor, and speaker of the house of representatives not later than December 30, 1997.

(c) If the interagency task force on electronic benefits transfers determines that using electronic benefits transfer or direct deposit is feasible, the agency shall implement electronic benefits transfer or direct deposit not later than September 1, 1999.

SECTION 6. (a) The attorney general, the Texas Department of Health, and the Texas Workforce Commission shall analyze the cost-effectiveness of using electronic benefits transfer in conjunction with direct deposit to

distribute child support payments, benefits under the federal special supplemental food program for women, infants, and children, and unemployment benefits.

(b) Each agency may work with the interagency task force on electronic benefits transfers to determine the cost-effectiveness of using electronic benefits transfer to distribute payments or benefits.

(c) Each agency shall complete the cost-benefit analysis not later than December 30, 1997.

(d) If an agency determines that electronic benefits transfer is a cost-effective method of distributing payments and benefits, the agency shall submit a plan for implementing an electronic benefits transfer system to the interagency task force on electronic benefits transfers. The agency shall execute the plan not later than August 31, 1998.

SECTION 7. Each agency that provides benefits or recurring payments by way of electronic benefits transfer shall evaluate the cost-effectiveness of providing access to the benefits or recurring payments through automated teller machines.

SECTION 8. This Act takes effect September 1, 1997.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Zaffirini, the Senate concurred in the House amendment to **SB 910** by a viva voce vote.

SENATE BILL 197 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 197** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 197**, on third reading, by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill appropriately:

SECTION __. Section 461.012, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) Subsection (a)(18) does not apply to a 12-step or similar self-help alcohol dependency recovery program:

(1) that does not offer or purport to offer an alcohol dependency treatment program;

(2) that does not charge program participants; and

(3) in which program participants may maintain anonymity.

The amendment was read.

On motion of Senator Zaffirini, the Senate concurred in the House amendment to **SB 197** by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 758 ADOPTED**

Senator Shapleigh called from the President's table the Conference Committee Report on **SB 758**. The Conference Committee Report was read and was filed with the Senate on Tuesday, May 20, 1997.

On motion of Senator Shapleigh, the Conference Committee Report was adopted by a viva voce vote.

SENATE BILL 1930 WITH HOUSE AMENDMENT

Senator Ratliff called **SB 1930** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1930** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the creation of the Red River Redevelopment Authority; granting the authority to issue bonds; authorizing a tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

- (1) "Authority" means the Red River Redevelopment Authority.
- (2) "Board" means the board of directors of the authority.
- (3) "County" means the County of Bowie, Texas.
- (4) "Cities" means the cities of Texarkana, New Boston, Hooks, Nash, Wake Village, Leary, Redwater, Maud, and DeKalb, Texas.
- (5) "Property" means land, improvements, and personal property described in Section 4 of this Act.
- (6) "Eligible project" means a project necessary or incidental to the industrial, commercial, or business development, redevelopment, maintenance, and expansion of new and existing businesses on the property now known, or formerly known, as Red River Army Depot in Bowie County, Texas, described in Section 4 of this Act, including the acquisition, construction, operation, maintenance, or enhancement of:
 - (A) roads, bridges, and rights of way;
 - (B) housing;
 - (C) real and personal property;
 - (D) police, fire, medical, cultural, educational, and research services, equipment, institutions, and resources;
 - (E) other community support services;
 - (F) flood control, water, wastewater treatment, and other utility facilities; and
 - (G) other infrastructure improvements.

SECTION 2. ESTABLISHMENT. The authority is hereby established as an authority of the State of Texas with boundaries coterminous with the boundaries of the real property described in Section 4 of this Act, on adoption of resolutions by both the cities and the county authorizing the authority's establishment and each appointing members to the board as outlined in Section 3 of this Act.

SECTION 3. BOARD. (a) The board consists of 15 members and is responsible for the management, operation, and control of the authority.

(b) The board is composed of the following members:

- (1) two members appointed by the county judge of the county;
- (2) one member appointed by the commissioners court of the county;
- (3) three members appointed by the mayor of Texarkana, Texas;
- (4) one member appointed by the mayor of New Boston, Texas;
- (5) one member appointed by the mayor of Hooks, Texas;
- (6) one member appointed by the mayor of Nash, Texas;
- (7) one member appointed by the mayor of Wake Village, Texas;
- (8) one member appointed by the mayor of Leary, Texas;
- (9) one member appointed by the mayor of Redwater, Texas;
- (10) one member appointed by the mayor of Maud, Texas;
- (11) one member appointed by the mayor of DeKalb, Texas; and
- (12) one at-large member elected by the appointed members.

(c) A vacancy on the board is filled in the same manner as the original appointment. Each board member serves for a term of two years. Each board member who is also an elected official serves for a term coinciding with the elected office term.

(d) The board shall elect from its membership a person to serve as president and a person to serve as vice president. The vice president shall preside in the absence of the president.

(e) A majority of the members of the board shall constitute a quorum for the transaction of business.

(f) The board shall adopt rules to govern its proceedings and may employ and compensate persons to carry out the powers and duties of the authority.

(g) A board member may be recalled at any time by the appointing official.

SECTION 4. PURPOSE. The authority is created to:

(1) accept title on approval by and in coordination with the governor from the United States to all or any portion of the excess personal and real property situated within Red River Army Depot, being legally described by the United States Army Corps of Engineers, Fort Worth District, now or in the future life of the authority;

(2) promote the location and development of new businesses and industries on that property described in Subdivision (1) of this section; and

(3) undertake eligible projects.

SECTION 5. POWERS AND DUTIES OF THE AUTHORITY. (a) Except as provided by Subsection (b) of this section, the authority created under this Act is hereby granted, has, and may exercise on approval by and in coordination with the governor all powers necessary or appropriate to carry out, achieve, or effectuate the purpose of this Act, including, without limitation, the following powers:

(1) to sue and be sued, and plead and be impleaded, in its own name;
(2) to adopt an official seal and alter same when deemed advisable and to adopt and enforce bylaws, rules, and regulations for the conduct of its affairs, not inconsistent with the provisions of this Act;

(3) to acquire, hold, own, and dispose of its revenues, income, receipts, funds, and money from every source and to select its depository or depositories;

(4) to acquire, own, rent, lease, accept, hold, or dispose of any real, personal, or mixed property comprising the property, or any interest therein, in performing its duties and exercising its powers under this Act, by purchase, exchange, gift, assignment, condemnation, sale, lease, or otherwise, including rights or easements, and to hold, manage, operate, or improve the property;

(5) to sell, assign, lease, encumber, mortgage, or otherwise dispose of any real, personal, or mixed property comprising the property, or any interest therein, and release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, and to do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law, and to lease or rent any lands within the property and buildings, structures, or facilities located on the property from or to any person, firm, corporation, city, or other public agency or political subdivision to effectuate the purposes of this Act;

(6) to request and to accept any appropriations, grants, allocations, subsidies, guaranties, aid, contributions, services, labor, materials, gifts, or donations from the federal government, the state, any city, public agency, or political subdivision, or any other sources;

(7) to operate and maintain an office and to appoint and determine the duties, tenure, qualifications, and compensation of such officers, employees, agents, professional advisors and counselors, including, without limitation, financial consultants, accountants, attorneys, architects, engineers, appraisers, and financing experts, as are deemed necessary or advisable by the board;

(8) to borrow money;

(9) to fix and revise from time to time and charge and collect rents, rates, fees, and charges for its facilities and services;

(10) to exercise those powers granted to municipalities in Chapters 373 and 380, Local Government Code, for the development of housing and expansion of economic development and commercial activity;

(11) to exercise those powers granted to general law districts in Chapter 49, Water Code, and to municipal utility districts in Chapter 54, Water Code;

(12) to exercise those powers granted to road utility districts in Chapter 441, Transportation Code; and

(13) to exercise those powers granted to municipalities and counties in Subchapter C, Chapter 271, Local Government Code.

(b) The authority created by this Act does not have and may not use the power of eminent domain.

SECTION 6. EXEMPTION FROM TAXATION. The properties, revenues, and income of the authority are exempt from all taxes levied by the state or a political subdivision of the state.

SECTION 7. DISSOLUTION. The authority may be dissolved by the board on approval of the cities and county after all debts or obligations have been duly satisfied or retired with such assets of the authority to be conveyed or transferred to the county. It is the intention of the legislature that the authority be dissolved after conveyance and sale of all of the property with the approval of the cities and county governing bodies.

SECTION 8. SUCCESSOR. The authority is the successor in interest to the Red River Local Redevelopment Authority, a planning authority organized under the county and recognized by the United States Department of the Army, and shall succeed to all rights and liabilities of the Red River Local Redevelopment Authority.

SECTION 9. SEVERABILITY. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

SECTION 10. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Ratliff moved to concur in the House amendment to **SB 1930**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

SENATE BILL 506 WITH HOUSE AMENDMENTS

Senator Harris called **SB 506** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 506** by inserting the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ____. Chapter I, Texas Probate Code, is amended by adding Section 10B to read as follows:

Sec. 10B. COMMUNICATIONS OR RECORDS RELATING TO DECEDENT'S CONDITION BEFORE DEATH. Notwithstanding the

Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), a person who is a party to a will contest or a proceeding in which a party relies on the mental or testamentary capacity of a decedent before the decedent's death as part of the party's claim or defense is entitled to production of all communications or records relevant to the decedent's condition before the decedent's death. On receipt of a subpoena of communications or records under this section and proof of filing of the will contest or proceeding, by certified copy, the appropriate physician, hospital, medical facility, custodian of records, or other person in possession of the communications or records shall release the communications or records to the party requesting the records.

Amendment No. 2

Amend **SB 506** on page 11 by inserting a new SECTION 12 and SECTION 13 as follows and renumbering subsequent sections accordingly.

SECTION 12. Subsection (a), Section 450, Texas Probate Code, is amended to read as follows: (a) Any of the following provisions in an insurance policy, contract of employment, bond, mortgage, promissory note, deposit agreement, employees' trust, retirement account, deferred compensation arrangement, custodial agreement, pensions plan, trust agreement, conveyance of real or personal property, securities, accounts with financial institutions as defined in Part 1 of this Chapter or any other written instrument effective as a contract, gift, conveyance, or trust is deemed to be nontestamentary, and this code does not invalidate the instrument or any provision:

(1) that money or other benefits theretofore due to, controlled, or owned by a decedent shall be paid after his death to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently;

(2) that any money due or to become due under the instrument shall cease to be payable in event of death of the promisee or the promisor before payment or demand; or

(3) that any property which is the subject of the instrument shall pass to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently.

SECTION 13. Part 4, Chapter XI, Texas Probate Code, as added by **SB 504**, Acts of the 75th Legislature, Regular Session, 1997, is repealed.

Floor Amendment No. 3

Amend **SB 506**, by adding a Section __ to read as follows:

SECTION __. Amend Sec. 5A(b), Probate Code, to read as follows:

(b) In proceedings in the statutory probate courts and districts courts, the phrases "appertaining to estates" and "incident to an estate" in this Code include the probate of wills, the issuance of letters testamentary and of administration, and the determination of heirship, and also include, but are not limited to, all claims by or against an estate, all actions for trial

of title to land and for the enforcement of liens thereon, all actions for trial of the right of property, all actions to construe wills, the interpretation and administration of testamentary trusts and the applying of constructive trusts, and generally all matters relating to the settlement, partition, and distribution of estates of deceased persons. All statutory probate courts may, in the exercise of their jurisdiction, notwithstanding any other provisions of this Code, hear all suits, actions, and applications filed against or on behalf of any heirship proceeding or decedent's estate, including estates administered by an independent executor; all such suits, actions and applications are appertaining to and incident to an estate for the purposes of this section. This subsection shall be construed in conjunction with and in harmony with Section 145 and all other sections of this Code dealing with independent executors, but shall not be construed so as to increase permissible judicial control over independent executors. All statutory probate courts shall have the same powers over independent executors that are exercisable by the district courts. In situations where the jurisdiction of a statutory probate court is concurrent with that of a district court, any cause of action appertaining to estates or incident to an estate shall be brought in a statutory probate court rather than in the district court.

Floor Amendment No. 1 on Third Reading

Amend **SB 506** on third reading by amending Section 10B, Texas Probate Code, as added by Amendment No. 1 by Hartnett, adopted on 2nd reading, by adding "without further authorization" after "records" at the end of the last sentence of the section.

The amendments were read.

On motion of Senator Harris, the Senate concurred in the House amendments to **SB 506** by a viva voce vote.

SENATE BILL 1793 WITH HOUSE AMENDMENT

Senator Wentworth called **SB 1793** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1793** as follows:

On page 1, between lines 20-21, insert the following and renumber the subsequent subsections appropriately: "(c) A note issued under this section may not exceed \$1,000,000."

The amendment was read.

Senator Wentworth moved to concur in the House amendment to **SB 1793**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

SENATE CONCURRENT RESOLUTION 105

Senator Bivins offered the following resolution:

WHEREAS, **HB 337** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 75th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 337 as follows:

Strike Section 2(b), Texas Statewide Volunteer Fire Fighters Retirement Act (Article 6243e.3, Vernon's Texas Civil Statutes), as amended by the senate committee substitute, and substitute the following:

(b) Participation in the fund is optional. ~~A [Any]~~ governing body may, ~~[not later than 60 days after the effective date of this Act and]~~ in accordance with the usual procedures prescribed for ~~taking [other]~~ official ~~action [actions]~~ of the governing body, elect to ~~participate in [exempt itself from]~~ the requirements of this Act. Any action to ~~not participate in [provide for an exemption from]~~ the requirements of this Act may be rescinded by the governing body at any time. A municipality that has elected to participate in this fund may not rescind that election.

The resolution was read.

On motion of Senator Bivins and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE BILL 875 WITH HOUSE AMENDMENTS

Senator Shapiro called **SB 875** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **SB 875** as follows:

(1) In SECTION 1 of the bill, at the end of proposed Article 62.03(e), Code of Criminal Procedure (Senate engrossment, page 11, line 7), between "appropriate" and the period, insert ". On receipt of a notice under this subsection, the superintendent or administrator shall release the information contained in the notice to appropriate school district or private school personnel, as appropriate, including any peace officers and security personnel, principals, nurses, and counselors".

(2) In SECTION 1 of the bill, strike proposed Article 62.03(f), Code of Criminal Procedure (Senate engrossment, page 11, lines 8-15), and substitute the following:

(f) The local law enforcement authority shall include in the notice by publication in a newspaper the following information only:

(1) the person's full name, age, and gender;

(2) a brief description of the offense for which the person is subject to registration; ~~[and]~~

(3) the municipality, numeric street address or physical address, if a numeric street address is not available [name], and zip code number where the person intends to reside; and

(4) a recent photograph of the person.

(3) In SECTION 1 of the bill, at the end of proposed Article 62.04(f), Code of Criminal Procedure (Senate engrossment, page 14, line 23), between "appropriate" and the period, insert "On receipt of a notice under this subsection, the superintendent or administrator shall release the information contained in the notice to appropriate school district or private school personnel, as appropriate, including any peace officers and security personnel, principals, nurses, and counselors".

(4) In SECTION 1 of the bill, strike proposed Article 62.04(g), Code of Criminal Procedure (Senate engrossment, page 14, line 24 to page 15, line 6), and substitute the following:

(g) The local law enforcement authority shall include in the notice by publication in a newspaper the following information only:

(1) the person's full name, age, and gender;

(2) a brief description of the offense for which the person is subject to registration; ~~and~~

(3) the municipality, numeric street address or physical address, if a numeric street address is not available [name], and zip code number where the person intends to reside; and

(4) a recent photograph of the person.

Floor Amendment No. 1 on Third Reading

Amend **SB 875** on third reading in SECTION 1 of the bill, in proposed Chapter 62, Code of Criminal Procedure, by adding a new Article 62.011 to read as follows:

Art. 62.011. NONAPPLICABILITY. This chapter does not apply to:

(1) the commercial distribution, display, exhibition, sale, lease, or rental of any material; or

(2) material distributed, displayed, exhibited, lent, or transferred within a public library system.

Floor Amendment No. 2 on Third Reading

Amend **SB 875** on third reading as follows:

(1) In SECTION 1 of the bill, in proposed Article 62.01, Code of Criminal Procedure (house committee printing, page 3, between lines 18 and 19), insert the following:

(6) "Sexually violent offense" means any of the following offenses committed by a person 17 years of age or older:

(A) an offense under Section 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or 22.021 (Aggravated sexual assault), Penal Code;

(B) an offense under Section 43.25 (Sexual performance by a child), Penal Code;

(C) an offense under Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually;

(D) an offense under Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit a felony listed in Paragraph (A) or (C) of Subdivision (5); or

(E) an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), or (D).

(7) "Sexually violent predator" means a person who has on two or more occasions been convicted of or received an order of deferred adjudication for a sexually violent offense.

(2) In SECTION 1 of the bill, in proposed Article 62.03(e), Code of Criminal Procedure (house committee printing, page 10, lines 19 and 20), between "Penal Code," and "the authority", insert "or if the offense for which the person is subject to registration is a sexually violent offense.".

(3) In SECTION 1 of the bill, in proposed Article 62.03(e), Code of Criminal Procedure (house committee printing, page 11, line 2), between "registration," and "the authority", insert "or if the offense for which the person is subject to registration is a sexually violent offense.".

(4) In SECTION 1 of the bill, in proposed Article 62.04(f), Code of Criminal Procedure (house committee printing, page 14, lines 9 and 10), between "Penal Code," and "the authority", insert "or if the offense for which the person is subject to registration is a sexually violent offense.".

(5) In SECTION 1 of the bill, in proposed Article 62.04(f), Code of Criminal Procedure (house committee printing, page 14, line 17), between "registration," and "the authority", insert "or if the offense for which the person is subject to registration is a sexually violent offense.".

(6) In SECTION 1 of the bill, in proposed Article 62.06, Code of Criminal Procedure (house committee printing, page 16, line 13), between "(a)" and "A local", insert the following:

"A person subject to registration under this chapter who is a sexually violent predator shall report to the local law enforcement authority with whom the person is required to register not less than once in each 90-day period following the date the person first registered under this chapter to verify the information in the registration form maintained by the authority for that person. A person subject to registration under this chapter based on a single conviction or order of deferred adjudication for a sexually violent offense shall report to the local law enforcement authority with whom the person is required to register once each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the date on which the person first registered under this chapter to verify the information in the registration form maintained by the authority for that person.

(b)".

(7) In SECTION 1 of the bill, in proposed Article 62.06(b), Code of Criminal Procedure, as relettered by this amendment (formerly proposed Article 62.06(a)) (house committee printing, page 16, line 18), between "once" and "each year", insert "in each 90-day period following the date the person first registered under this chapter, if the person is a sexually violent predator, or, if the person is not a sexually violent predator, once".

(8) In SECTION 1 of the bill, in proposed Article 62.06(b), Code of Criminal Procedure, as relettered by this amendment (formerly proposed Article 62.06(a)) (house committee printing, page 16, line 20), between the period and "shall", strike "The authority" and substitute the following:

"A local law enforcement authority may not direct a person to report to the authority under this subsection if the person is required to report under Subsection (a) and is in compliance with the reporting requirements of that subsection."

(c) A local law enforcement authority with whom a person reports under this section".

(9) In SECTION 1 of the bill, in proposed Article 62.06, Code of Criminal Procedure (house committee printing, page 17, line 3), strike "(b)" and substitute "(d)".

(10) In SECTION 1 of the bill, in proposed Article 62.06, Code of Criminal Procedure (house committee printing, page 17, between lines 14 and 15), insert the following:

(e) A person subject to registration under this chapter who is a sexually violent predator may petition the district court in the county where the person resides for an order exempting the person from the requirements of this chapter relating to a sexually violent predator. After a hearing on the matter, the court may issue an order under this subsection if it appears by a preponderance of the evidence as presented by not fewer than two registered sex offender treatment providers and a licensed psychiatrist that:

(1) the person received mental health or other appropriate treatment during the person's term of confinement, parole, or community supervision and shows signs of successful rehabilitation; and

(2) there is reason to believe that the person no longer poses a significant threat to the community.

(11) In SECTION 1 of the bill, in proposed Article 62.12(b), Code of Criminal Procedure (house committee printing, page 21, lines 19 and 20), strike "violation of Section 21.11(a)(1), 22.021, or 43.25, Penal Code" and substitute "sexually violent offense [violation of Section 21.11(a)(1), 22.021, or 43.25, Penal Code]".

(12) In SECTION 1 of the bill, in proposed Article 62.12(c), Code of Criminal Procedure (house committee printing, page 22, line 4), strike "violation of Section 21.11(a)(1), 22.021, or 43.25, Penal Code" and substitute "sexually violent offense [violation of Section 21.11(a)(1), 22.021, or 43.25, Penal Code]".

(13) In SECTION 1 of the bill, in proposed Article 62.12, Code of Criminal Procedure (house committee printing, page 22, between lines 11 and 12), insert the following:

(d) The duty to register for a person with a reportable conviction or adjudication under this chapter, including a conviction or adjudication for a sexually violent offense, ends when the person dies unless, before death, the duty to register ended under Subsection (a), (b), or (c).

Floor Amendment No. 3 on Third Reading

Amend SB 875 on third reading as follows:

(1) Amend Committee Amendment No. 1 (house committee printing, page 32, line 2 through page 33, line 19), adopted on second reading, by striking the text of the amendment.

(2) In SECTION 1 of the bill, in proposed Article 62.01(4), Code of Criminal Procedure (house committee printing, page 1, line 23), between "paroled," and "or placed", insert "placed in a nonsecure community program for juvenile offenders.".

(3) In SECTION 1 of the bill, in proposed Article 62.01(5), Code of Criminal Procedure, strike Paragraphs (A) and (B) (house committee printing, page 2, lines 6-12), and substitute the following:

(A) a conviction for a violation of Section 21.11 (Indecency with a child), 22.011 (Sexual assault), or 22.021 (Aggravated sexual assault), Penal Code, or a conviction for a violation of Section 25.02 (Prohibited sexual conduct), Penal Code, if the defendant was a person 18 years of age or older at the time of the violation;

(B) a conviction for a violation of Section 43.03 (Promotion of prostitution), 43.04 (Aggravated promotion of prostitution), 43.05 (Compelling prostitution), 43.23 (Obscenity), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(4) In SECTION 1 of the bill, in proposed Article 62.01(5), Code of Criminal Procedure, strike Paragraph (E) (house committee printing, page 2, lines 22-23), and substitute the following:

(E) the second conviction for a violation of Section 21.07(a)(4) (Public lewdness), 21.08 (Indecent exposure), 43.22 (Obscene display or distribution), 43.24 (Sale, distribution, or display of harmful material to minor), or 43.251 (Employment harmful to children), Penal Code;

(5) In SECTION 1 of the bill, strike proposed Articles 62.01(5)(I) and (J), Code of Criminal Procedure (house committee printing, page 3, lines 11-18), and substitute the following:

(I) a conviction under the laws of another state or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), (D), or (F) [of this subdivision]; or

(J) the second conviction under the laws of another state or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an [the] offense listed in Paragraph (E) [of indecent exposure].

(6) In SECTION 1 of the bill, in proposed Article 62.03(a), Code of Criminal Procedure (house committee printing, page 7, lines 7-8), between "institution," and "an official", insert "the Texas Department of Criminal Justice or Texas Youth Commission, as appropriate, shall determine the person's level of risk to the community and assign to the person a risk level using criteria established by the department or commission, as appropriate, and".

(7) In SECTION 1 of the bill, in proposed Article 62.03(b), Code of Criminal Procedure (house committee printing, page 8, line 25), between "form" and "to the department", insert "and risk level".

(8) In SECTION 1 of the bill, in proposed Article 62.03, Code of Criminal Procedure, strike Subsection (c) (house committee printing, page 9, lines 10-24), and substitute the following:

(c) If a person who is subject to registration under this ~~chapter~~ [article] receives an order deferring adjudication, ~~placing the person on juvenile probation or~~ community supervision, or ~~imposing~~ only a fine, the court pronouncing the order or sentence shall ~~determine the person's risk level based on a recommendation submitted to the court under Subsection (d) and~~ ensure that the prerelease notification and registration requirements specified in this ~~article~~ [section] are conducted on the day of entering the order or sentencing. ~~If a representative of a community supervision and corrections department or juvenile probation department [representative] is available in court at the time a court pronounces an order or [a] sentence under this subsection [of deferred adjudication or community supervision], the representative shall immediately obtain the person's risk level from the court and~~ conduct the prerelease notification and registration requirements specified in this ~~article~~ [section]. In any other case in which the court pronounces ~~an order or [a] sentence under this subsection~~, the court shall designate another appropriate individual to ~~obtain the person's risk level from the court and~~ conduct the prerelease notification and registration requirements specified in this ~~article~~ [section].

(d) ~~On request by a court, a representative of a community supervision and corrections department or juvenile probation department shall submit to the court a recommendation as to the appropriate risk level for a person who may be subject to registration under this chapter. The representative shall determine that risk level using the applicable risk assessment instrument developed under this subsection. The Texas Department of Criminal Justice, Texas Youth Commission, Texas Juvenile Probation Commission, and Council on Sex Offender Treatment shall consult and develop a standard risk assessment instrument for adults and a standard risk assessment instrument for juveniles to be used in determining risk levels under this subsection.~~

(9) In SECTION 1 of the bill, in proposed Article 62.03(d), Code of Criminal Procedure (house committee printing, page 9, line 25), strike "(d)" and substitute "~~(e)~~ [(d)]".

(10) In SECTION 1 of the bill, in proposed Article 62.03(e), Code of Criminal Procedure (house committee printing, page 10, line 11), strike "(e)" and substitute "~~(f)~~ [(e)]".

(11) In SECTION 1 of the bill, in proposed Article 62.03(f), Code of Criminal Procedure, as relettered by this amendment (formerly proposed Article 62.03(e)) (house committee printing, page 10, lines 15-19), strike the language that appears between "If the" and "an offense under Section 25.02, Penal Code" and substitute "~~[victim is a child younger than 17 years of age and the]~~ basis on which the person is subject to registration is ~~[not an adjudication of delinquent conduct or a deferred adjudication and is not]~~ a conviction for a felony offense listed in Article 62.01(5), other than".

(12) In SECTION 1 of the bill, in proposed Article 62.03(f), Code of Criminal Procedure, as relettered by this amendment (formerly proposed Article 62.03(e)), (house committee printing, page 10, line 25, to page 11, line 1), strike "If the victim is a child younger than 17 years of age, regardless" and substitute "Regardless ~~[If the victim is a child younger than 17 years of age, regardless]~~".

(13) In SECTION 1 of the bill, in proposed Article 62.03(f), Code of Criminal Procedure, as relettered by this amendment (formerly proposed Article 62.03(e)) (house committee printing, page 11, lines 4-7), strike the language that appears between "administrator of any private" and the period at the end of the sentence, and substitute "primary or secondary school located in the public school district in which the person subject to registration intends to reside by mail to the [district] office of the superintendent or administrator, as applicable. Regardless of the basis on which a person is subject to registration, if the authority knows that the person subject to registration intends to work at an address in a school district other than the school district in which the person intends to reside, the authority shall immediately provide notice to the superintendent of public schools of the school district in which the person intends to work by mail to the district office. Not later than the 14th day after receipt of a notice under this subsection, the superintendent or administrator shall release the information contained in the notice to appropriate school district or private school personnel, as applicable, including any peace officers and security personnel, principals, nurses, and counselors".

(14) In SECTION 1 of the bill, in proposed Article 62.03(f), Code of Criminal Procedure (house committee printing, page 11, line 8), strike "(f)" and substitute "(g) [(f)]".

(15) In SECTION 1 of the bill, in proposed Article 62.03(g), Code of Criminal Procedure (house committee printing, page 11, line 16), strike "(g)" and substitute "(h) [(g)]".

(16) In SECTION 1 of the bill, in proposed Article 62.04(f), Code of Criminal Procedure (house committee printing, page 14, lines 5-9), strike the language that appears between "If the" and "an offense under Section 25.02, Penal Code" and substitute "[~~victim is a child younger than 17 years of age and the~~] basis on which the person is subject to registration is [~~not an adjudication of delinquent conduct or a deferred adjudication and is not~~] a conviction for a felony offense listed in Article 62.01(5), other than".

(17) In SECTION 1 of the bill, in proposed Article 62.04(f), Code of Criminal Procedure (house committee printing, page 14, lines 15-16), strike "If the victim is a child younger than 17 years of age, regardless" and substitute "Regardless [~~if the victim is a child younger than 17 years of age, regardless~~]".

(18) In SECTION 1 of the bill, in proposed Article 62.04(f), Code of Criminal Procedure (house committee printing, page 14, lines 19-23), strike the language that appears between "administrator of any private" and the period at the end of the sentence, and substitute "primary or secondary school located in the public school district in which the person subject to registration intends to reside by mail to the [district] office of the superintendent or administrator, as applicable. Regardless of the basis on which a person is subject to registration, if the authority knows that the person subject to registration intends to work at an address in a school district other than the school district in which the person intends to reside, the authority shall immediately provide notice to the superintendent of public schools of the school district in which the person intends to work by mail to the district".

office. Not later than the 14th day after receipt of a notice under this subsection, the superintendent or administrator shall release the information contained in the notice to appropriate school district or private school personnel, as applicable, including any peace officers and security personnel, principals, nurses, and counselors".

(19) In SECTION 1 of the bill, in proposed Article 62.06, Code of Criminal Procedure (house committee printing, page 17, between lines 14 and 15), after Subsection (b), insert the following:

(c) A person subject to registration under this chapter shall report to the local law enforcement authority with whom the person is registered not later than January 15 of each year to verify the information in the registration form maintained by the authority for that person. The authority shall require the person to produce proof of the person's identity and residence before the authority gives the registration form to the person for verification. If the information in the registration form is accurate, the person shall verify registration by signing the form. If the information is not accurate, the person shall make any necessary corrections before signing the form.

(20) In SECTION 1 of the bill, in proposed Article 62.08(a), Code of Criminal Procedure (house committee printing, page 18, line 8), between "chapter" and "[article]", insert "and the risk level assigned to the person under this chapter".

(21) In SECTION 1 of the bill, in proposed Article 62.08, Code of Criminal Procedure (house committee printing, at the bottom of page 18), after Subsection (c), insert the following:

(d) On the written request of a licensing authority that identifies an individual and states that the individual is an applicant for or a holder of a license issued by the authority, the department shall release any information described by Subsection (a) to the licensing authority.

(e) For the purposes of Subsection (d):

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) a person must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of the state or a political subdivision of the state that issues a license.

(f) A private primary or secondary school or administrator of a private primary or secondary school may release to the public information regarding a person required to register if the information is public information under this chapter and is released to the administrator under Article 62.03 or 62.04 of this chapter. A private primary or secondary school or administrator of a private primary or secondary school is not liable under any law for damages arising from conduct authorized by this subsection.

(22) In SECTION 1 of the bill, in proposed Article 62.10(b), Code of Criminal Procedure (house committee printing, page 19, lines 24-25), strike "state jail felony" and substitute "felony of the third degree".

(23) In SECTION 1 of the bill, in proposed Article 62.10(c), Code of Criminal Procedure (house committee printing, page 20, line 4), strike "felony of the third degree" and substitute "felony of the second [third] degree".

(24) In SECTION 1 of the bill, strike proposed Articles 62.11 and 62.12, Code of Criminal Procedure (house committee printing, page 20, line 5, to page 22, line 11), and substitute the following:

Art. 62.11 [Sec. 8]. APPLICABILITY [EXEMPTIONS]. [(a)] This chapter [article] applies only to a reportable conviction or adjudication[:

[(1)] occurring on or after[:

[(A)] September 1, 1970, except that the provisions of Article 62.03 and Article 62.04 relating to the requirement of newspaper publication apply only to:

(1) a reportable conviction or adjudication occurring on or after September 1, 1997, if the conviction or adjudication relates to:

(A) an offense under Section 21.07, 43.03, 43.04, 43.05, 43.22, 43.23, 43.24, or 43.251, Penal Code; or

(B) an offense in which the victim is a person 17 years of age or older; or

(2) a reportable conviction or adjudication occurring on or after September 1, 1995, if the conviction or adjudication is not a conviction or adjudication described by Subdivision (1) [1991, if the conviction is for or the adjudication is based on an offense listed in Section 1(5)(A) of this article;

[(B)] September 1, 1993, if the conviction is for or the adjudication is based on an offense listed in Section 1(5)(B) of this article; or

[(C)] September 1, 1995, if the conviction is for an offense described under Section 1(5)(C), (D), (E), (F), (I), or (J) of this article; or

[(2)] for which an order of deferred adjudication is entered by the court on or after September 1, 1993].

[(b)] A person who has a reportable conviction or adjudication may petition a district judge in the county where the person resides or intends to reside for an exemption from this article. If the person shows good cause, the district judge shall grant the exemption.]

Art. 62.12 [Sec. 9]. EXPIRATION OF DUTY TO REGISTER. (a) The duty to register for a person with a reportable conviction or adjudication [under Section 1(5)(D) of this article] ends when the person dies unless, before death, the duty to register ended under Subsection (d).

(b) The duty to register for a person with a reportable conviction or adjudication under Article 62.01(5)(A), (B), (F), (G), (H), or (I) based on an offense under Section 25.02 or 43.03, Penal Code, an attempt, conspiracy, or solicitation to commit an offense under Section 25.02 or 43.03, Penal Code, or an offense containing elements substantially similar to an offense under Section 25.02 or 43.03, Penal Code, ends as provided by Subsection (d).

(c) The duty to register for a person with a reportable conviction or adjudication under Article 62.01(5)(E), (G), or (I) based on two violations of an offense under Section 21.07(a)(4), 21.08, 43.22, 43.24, or 43.251, Penal Code, or two violations of an offense containing elements substantially similar to an offense under Section 21.07(a)(4), 21.08, 43.22, 43.24, or 43.251, Penal Code, ends as provided by Subsection (d).

(d) The duty to register for a person with a reportable conviction or adjudication described by Subsection (b) or (c) ends:

(1) if the person's duty to register is based on an adjudication of delinquent conduct, on the 10th anniversary of the date on which:

~~[(1) the person ceases to be under the supervision of the Texas Youth Commission, if the person was committed to the Texas Youth Commission other than under a determinate sentence;~~

~~[(2) the person is discharged from the Texas Youth Commission or the Texas Department of Criminal Justice, whichever date is later, if the person was committed to the Texas Youth Commission under a determinate sentence; or~~

~~[(3)] the disposition is made or the person completes the terms of the disposition, whichever date is later; or~~

(2) if the person's duty to register is based on a conviction or on an order of deferred adjudication, [if the person received a disposition that did not include a commitment to the Texas Youth Commission:

~~[(b) The duty to register for a person with a reportable conviction, other than a conviction for a violation of Section 21.11(a)(1), 22.021, or 43.25, Penal Code, ends] on the 10th anniversary of the date on which the court dismisses the criminal proceedings against the person and discharges the person, the person is released from county jail, [the institutional division of the Texas Department of Criminal Justice] or the person discharges [parole or] community supervision, whichever date is later.~~

~~[(c) The duty to register for a person with a reportable conviction or adjudication based on an order of deferred adjudication under Section 1(5)(E) of this article, other than an order of deferred adjudication for a violation of Section 21.11(a)(1), 22.021, or 43.25, Penal Code, ends on the 10th anniversary of the date on which:~~

~~[(1) the court dismisses the criminal proceedings against the person and discharges the person; or~~

~~[(2) the person is released from the institutional division of the Texas Department of Criminal Justice or the person discharges parole or community supervision, if the court proceeded to final adjudication in the case.]~~

(25) In SECTION 11(a) of the bill (house committee printing, page 30, lines 13-16), strike the language that appears between "(a) The" and "only to" and substitute "changes in law made by this Act to Articles 62.11 and 62.12, Code of Criminal Procedure, as redesignated and amended by this Act (formerly Sections 8(a) and 9, Article 6252-13c.1, Revised Statutes, respectively), apply".

(26) In SECTION 11(b) of the bill (house committee printing, page 31, lines 8-10), strike the language that appears between "in effect under" and "redesignated" and substitute "Sections 8(a) and 9, Article 6252-13c.1, Revised Statutes, before those sections were".

The amendments were read.

Senator Shapiro moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 875** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Shapiro, Chair; Whitmire, Cain, Harris, and Duncan.

CONFERENCE COMMITTEE ON HOUSE BILL 1880

Senator Truan called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1880** and moved that the request be granted.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1880** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Truan, Chair; Ratliff, Zaffirini, Sibley, and Shapleigh.

(Senator Brown in Chair)

SENATE BILL 1286 WITH HOUSE AMENDMENTS

Senator Gallegos called **SB 1286** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1286** as follows:

(1) Insert the following appropriately numbered SECTION in the bill:

SECTION ____ . Chapter 143, Local Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. LOCAL CONTROL OF POLICE OFFICER EMPLOYMENT MATTERS IN MUNICIPALITIES WITH POPULATION OF 1.5 MILLION OR MORE

Sec. 143.351. APPLICABILITY. This subchapter applies only to a municipality with a population of 1.5 million or more, but does not apply to a municipality that has adopted Chapter 174.

Sec. 143.352. DEFINITIONS. In this subchapter:

(1) "Majority bargaining agent" means the police employee group selected under Section 143.354 or 143.355 to represent all police officers employed by the municipality during negotiations with the public employer.

(2) "Police employee group" means an organization:

(A) in which at least three percent of the police officers of the municipality participate and pay dues via automatic payroll deduction; and

(B) that exists for the purpose, in whole or part, of dealing with the municipality concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work affecting police officers.

(3) "Public employer" means any municipality or agency, board, commission, or political subdivision controlled by a municipality that is required to establish the wages, salaries, rates of pay, hours, working conditions, and other terms and conditions of employment of police officers. The term includes, under appropriate circumstances, a mayor, manager, administrator of a municipality, municipal governing body, director of personnel, personnel board, or one or more other officials, regardless of the name by which they are designated.

Sec. 143.353. GENERAL PROVISIONS RELATING TO AGREEMENTS, RECOGNITION, AND STRIKES. (a) A municipality may not be denied local control over the wages, salaries, rates of pay, hours of work, and other terms of employment, or other state-mandated personnel issues, if the public employer and the majority bargaining agent come to a mutual agreement on any of the terms of employment. If an agreement is not reached, the state laws, local ordinances, and civil service rules remain unaffected. All agreements shall be written. Nothing in this subchapter requires either party to meet and confer on any issue or reach an agreement.

(b) A public employer may only meet and confer if the majority bargaining agent does not advocate the illegal right to strike by public employees.

(c) Police officers of a municipality may not engage in strikes or organized work stoppages against this state or a political subdivision of this state. A police officer who participates in a strike or work stoppage forfeits all civil service rights, reemployment rights, and any other rights, benefits, or privileges the police officer enjoys as a result of employment or prior employment.

Sec. 143.354. SELECTION OF MAJORITY BARGAINING AGENT. (a) Not later than January 31, 1998, representatives from each police employee group shall meet to select the majority bargaining agent. The majority bargaining agent must be selected unanimously.

(b) If the representatives of the police employee groups fail to meet or are unable to reach a unanimous consensus as to a majority bargaining agent before January 31, 1998, the selection of a majority bargaining agent will be governed by Section 143.355.

Sec. 143.355. ELECTION OF MAJORITY BARGAINING AGENT. (a) This section does not apply if a majority bargaining agent is selected under Section 143.354.

(b) The governing body of a police employee group, by resolution, may call for an election to select a majority bargaining agent. The election shall be held not earlier than the 60th day and not later than the 90th day after the date the resolution is adopted.

(c) All police officers employed by the municipality are entitled to vote in the election.

(d) The police employee group receiving a majority of the votes cast shall be the majority bargaining agent.

(e) If no police employee group receives a majority of the votes cast, the two police employee groups receiving the highest number of votes shall participate in a runoff election. The runoff election shall be held not later than the 30th day after the date of the initial election.

(f) If the police employee groups participating in the election are unable to agree on the procedures for the election, any group may request that the American Arbitration Association conduct the election and certify the results. Certification of the results of an election resolves the question of the selection of the majority bargaining agent.

(g) All police employee groups participating in the election shall share equally the expenses of the election. A police employee group that fails to pay its share of the election expenses forfeits the right to participate on the bargaining team under Section 143.356.

Sec. 143.356. BARGAINING TEAM; NEGOTIATIONS. (a) A bargaining team shall be created to advise the majority bargaining agent.

(b) The governing body of a police employee group may appoint one person to serve on the bargaining team.

(c) The majority bargaining agent will represent all police officers and negotiate with the public employer in an effort to reach an agreement. The bargaining team shall review any agreement reached between the majority bargaining agent and the public employer. A majority of the members of the bargaining team must approve the agreement before a ratification election can be held under Section 143.360.

(d) All police employee groups that are represented on the bargaining team shall share equally the expenses associated with the negotiation of an agreement by the majority bargaining agent. A police employee group that fails to reimburse the majority bargaining agent for the reasonable expenses incurred before the 30th day after the date the police employee group is notified of the expense forfeits all rights expressly granted to the police employee group under this subchapter, including its right to representation on the bargaining team.

Sec. 143.357. PAYROLL DUES DEDUCTIONS. After a majority bargaining agent is recognized, the public employer may not stop or prevent automatic payroll deductions for dues paid to a police employee group because the group is or is not the majority bargaining agent.

Sec. 143.358. OPEN RECORDS REQUIRED. All documents relating to an agreement between a majority bargaining agent and a public employer shall be available to the public in accordance with state statutes.

Sec. 143.359. ENFORCEABILITY OF AGREEMENT. (a) A written agreement made under this subchapter between a public employer and a majority bargaining agent and approved by the bargaining team is enforceable and binding on the public employer, the majority bargaining agent, police employee groups, and the police officers covered by the agreement if:

(1) the municipality's governing body ratified the agreement by a majority vote; and

(2) the agreement is ratified under Section 143.360.

(b) A state district court of the judicial district in which a majority of the population of the municipality is located has full authority and jurisdiction on the application of either party aggrieved by an action or omission of the other party when the action or omission is related to a right, duty, or obligation provided by any written agreement ratified as required by this subchapter. The court may issue proper restraining orders, temporary and permanent injunctions, and any other writ, order, or process, including contempt orders, that are appropriate to enforcing any written agreement ratified as required by this subchapter.

Sec. 143.360. ELECTION TO RATIFY AGREEMENT. (a) The majority bargaining agent shall call an election to ratify any agreement reached with the public employer if the agreement has been approved by a majority of the bargaining team.

(b) All police officers of the municipality are eligible to vote in the election.

(c) The bargaining team shall establish procedures of the election by unanimous consensus.

(d) If the bargaining team is unable to agree on procedures for the election, any group represented on the bargaining team may request that the American Arbitration Association conduct the election and certify the results. Certification of the results of an election resolves the question concerning ratification of an agreement. All police employee groups represented on the bargaining team shall share equally the expenses of the election.

(e) A majority of all votes cast is required to ratify an agreement.

Sec. 143.361. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. (a) A written agreement ratified under this subchapter between a public employer and the majority bargaining agent supersedes a previous statute concerning wages, salaries, rates of pay, hours of work, and other terms of employment to the extent of any conflict with the previous statute.

(b) A written agreement ratified under this subchapter preempts all contrary local ordinances, executive orders, legislation, or rules adopted by the state or a political subdivision or agent of the state, such as a personnel board, a civil service commission, or a home-rule municipality.

(c) An agreement under this subchapter may not diminish or qualify any right, benefit, or privilege of an employee under this chapter or other law unless approved by a majority of the votes cast at the secret ballot election held by the majority bargaining agent to ratify the agreement.

Sec. 143.362. REPEAL OF AGREEMENT BY ELECTORATE. Within 45 days after the date an agreement is ratified and signed by the municipality and the majority bargaining agent, a petition signed by a number of registered voters equal to 10 percent of the votes cast at the most recent mayoral general election in the municipality may be presented to the municipal secretary calling an election for the repeal of the agreement, in which event the governing body shall reconsider the agreement, and, if it does not repeal the agreement, it shall call an election of the qualified voters to

determine if they desire to repeal the agreement. The election shall be held as part of the next regularly scheduled municipal election or at a special election called by the governing body for that purpose. If at the election a majority of the votes are cast in favor of the repeal of the adoption of the agreement, the agreement becomes void. The ballot shall be printed to provide for voting for or against the proposition:

"Repeal of the adoption of the agreement ratified by the municipality and the police officers of the municipality concerning wages, salaries, rates of pay, hours of work, and other terms of employment."

Sec. 143.363. PROTECTED RIGHTS OF INDIVIDUAL EMPLOYEES.

(a) For the purpose of any disciplinary appeal to either the civil service commission or a hearing examiner, all police officers have the right to choose to be represented by any person of their choice or by the police employee group selected as the majority bargaining agent.

(b) An agreement may not interfere with the right of a member of a police employee group to pursue allegations of discrimination based on race, creed, color, national origin, religion, age, sex, or disability with the Commission on Human Rights or the Equal Employment Opportunity Commission or to pursue affirmative action litigation.

(2) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 2

Amend the Talton amendment to **SB 1286** as follows:

On page 4, line 13, between "advise" and "the", insert "and give direction to".

Amendment No. 3

Amend **SB 1286** as follows:

In Section 1 of the bill, add the following to Sec. 143.103(c):

"This subsection does not apply to the transfer of police officers."

The amendments were read.

On motion of Senator Gallegos, the Senate concurred in the House amendments to **SB 1286** by a viva voce vote.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate members of the Texas Head Start Association.

The Senate welcomed its guests.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1975 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **HB 1975**. The Conference Committee Report was read and was filed with the Senate on Tuesday, May 20, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by a viva voce vote.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 22, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 172, Relating to coverage for childhood immunizations under certain health benefit plans.
(Amended)

SB 271, Relating to the geographic area where certain holders of a local distributor's permit may sell a brand of ale, beer, or malt liquor.
(Amended)

SB 291, Relating to the regulation of orthotists and prosthetists; providing a civil penalty.
(Committee Substitute/Amended)

SB 299, Relating to the date for a hearing on an application for a protective order.
(Committee Substitute/Amended)

SB 305, Relating to the Interagency Council on Early Childhood Intervention.
(Committee Substitute/Amended)

SB 381, Relating to the civil and criminal consequences of a grant of deferred adjudication for a sexual offense or a sexually assaultive offense and to the prosecution of certain defendants charged with or convicted of those offenses.
(Committee Substitute/Amended)

SB 461, Relating to the authority of the comptroller to contract for certain tax collection services.
(Committee Substitute)

SB 551, Relating to the exemption of certain persons from jury service.

SB 694, Relating to the use of alternative dispute resolution procedures by state agencies.
(Committee Substitute)

SB 823, Relating to payroll deductions in certain municipalities.
(Committee Substitute/Amended)

SB 1246, Relating to the establishment of a statewide rural health care system.
(Committee Substitute/Amended)

SB 1460, Relating to the establishment of excess benefit plans in connection with the optional retirement program for higher education employees.

SB 1702, Relating to the records of the executive office of the governor.

SJR 39, Proposing a constitutional amendment allowing the Texas growth fund to continue to invest in businesses without requiring those businesses to disclose investments in South Africa or Namibia.

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 883 (141 Yeas 0 Nays 1 Present-not voting)

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 798

House Conferees: Goodman - Chair/Jones, Jesse/Reyna, Arthur/Smith/Williams

SB 1865

House Conferees: Lewis, Ron - Chair/Counts/Culberson/Puente/Walker

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1019 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration at this time:

CSSB 1019, Relating to the school district ad valorem tax rate.

On motion of Senator Ogden and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

**COMMITTEE SUBSTITUTE
SENATE BILL 1136 ON THIRD READING**

Senator Wentworth moved that the regular order of business be suspended and that **CSSB 1136** be placed on its third reading and final passage:

CSSB 1136, Relating to the authority of a political subdivision to prepare and implement a regional habitat conservation plan or habitat conservation plan or to enter into a conservation agreement.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Bivins, Brown, Cain, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Gallegos, Moncrief, Shapleigh, Truan, West, Zaffirini.

Absent: Luna.

Absent-excused: Carona.

CSSB 1136 was read third time and was passed by the following vote: Yeas 21, Nays 8. (Same as previous roll call)

SENATE BILL 89 WITH HOUSE AMENDMENT

Senator West called **SB 89** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **SB 89** as follows:

On page 3, line 10, between the words "use", and "circulate", strike the word "sell,"; and,

on page 3, line 15, immediately following the sentence ending with the phrase "or a Canadian province.", add the following new sentence:

"An offense under this subsection is a Class C Misdemeanor."

The amendment was read.

On motion of Senator West, the Senate concurred in the House amendment to **SB 89** by a viva voce vote.

HOUSE BILL 349 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 349, Relating to coverage under certain health benefit plans for care after the performance of a mastectomy and certain related procedures.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 349** in SECTION 1., Sec. 2, page 1, line 63 in subdivision (C)(2) by adding "small-employer" between the words "a" and "plan".

The amendment was read and was adopted by a viva voce vote.

HB 349 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 349 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 349 was read third time and was passed by a viva voce vote.

HOUSE BILL 1333 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1333, Relating to the punishment for an offense motivated by bias or prejudice.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Galloway and Nelson asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1333 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1333** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Galloway, Nelson.

Absent-excused: Carona.

HB 1333 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Galloway and Nelson asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 2693 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2693, Relating to the development of information to identify missing persons.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2693 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2693** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 2693 was read third time and was passed by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 10, SB 12, SB 18, SB 213, SB 331, SB 365, SB 426, SB 637, SB 693, SB 712, SB 1017, SB 1028, SB 1040, SB 1081, SB 1163, SB 1164, SB 1175, SB 1248, SB 1368, SB 1391, SB 1450, SB 1479, SB 1517, SB 1534, SB 1546, SB 1622, SB 1623, SB 1630, SB 1765, SB 1899, SCR 57, SCR 89, SCR 91

HOUSE BILL 2825 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2825, Relating to the use of inmate and probationer labor for state highway system projects.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2825 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2825** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 2825 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3139 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3139, Relating to confidentiality of certain workers' compensation information.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 3139 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3139** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 3139 was read third time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3139** as follows:

On page 1, line 11 through line 24, delete SECTION 1 and SECTION 2 in their entirety.

The amendment was read and was adopted by unanimous consent.

HB 3139 as amended was finally passed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Truan.

Absent-excused: Carona.

(Senator Ratliff in Chair)

HOUSE BILL 2829 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2829, Relating to the disposition of restitution payments made to victims of crime.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2829 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2829** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 2829 was read third time and was passed by a viva voce vote.

HOUSE BILL 1498 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1498, Relating to motor vehicle insurance rates for certain individuals with good driving records who are members of youth groups.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1498 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1498** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 1498 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

HOUSE BILL 3263 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 3263, Relating to the sale of tax foreclosed property.

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3263** on page 3, lines 40 through 52, committee printing, by striking SECTION 5 in its entirety and substituting a new SECTION 5 to read as follows:

SECTION 5. (a) The changes in law made by Sections 1 and 4 of this Act apply only to an action that relates to the title to property sold for taxes or challenges the validity of a tax sale and that is commenced on or after September 1, 1997. An action commenced before September 1, 1997, is covered by the law in effect when the property was sold, and the former law is continued in effect for that purpose.

(b) The changes in law made by Section 2 of this Act apply only to the resale of property by a taxing unit on or after September 1, 1997. The resale of property by a taxing unit before September 1, 1997 is covered

by the law in effect when the property was resold, and the former law is continued in effect for that purpose.

The amendment was read and was adopted by a viva voce vote.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 3263** as follows:

On page 2, line 51, Committee Printed Version, amend Subchapter A, Chapter 24, Tax Code by inserting between the words "plans." and "Any" an new sentence to read:

"If the tax foreclosed property is resold pursuant to this section to be used for a purpose consistent with the municipality's urban redevelopment plan, the deed of conveyance must refer to or set forth the applicable terms of the urban redevelopment plan."

The amendment was read and was adopted by a viva voce vote.

CSHB 3263 as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3263 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3263** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

CSHB 3263 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3428 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3428, Relating to financial assistance and related services for victims of family violence.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3428** on page 1, line 53 by striking "71.01" and substituting "71.004".

The amendment was read and was adopted by a viva voce vote.

HB 3428 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 3428 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3428** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 3428 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1708 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1708, Relating to assignment of certain premium tax credits.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1708 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1708** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 1708 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 130 ON SECOND READING

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 130, Relating to the authority of the commissioners court of a county to alter speed limits on county roads.

The bill was read second time.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 130** at line 21 by inserting between the word "limit" and the word "on" the following:
"of not less than 30 miles per hour".

The amendment was read and was adopted by a viva voce vote.

HB 130 as amended was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Wentworth asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 130 ON THIRD READING

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 130** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Carona.

HB 130 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

(President in Chair)

HOUSE BILL 99 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 99, Relating to the funding and operation of certain emergency management and disaster relief programs.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 99** as follows:

(1) In Section 418.073(a), Government Code, as amended by SECTION 8 of the bill, (page 6, lines 24 and 25, house engrossment printing), strike "dedicated fund in the state treasury." and substitute "trust fund established in the Texas Treasury Safekeeping Trust Company, and shall be administered by that company as provided by Subchapter G, Chapter 404.".

(2) In Section 1.3531, Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes), as added by SECTION 9 of the bill (page 8, lines 7-13, house engrossment printing), strike Subsection (a) and substitute the following:

(a) In addition to the assessment imposed on each electric public utility within the commission's jurisdiction under Section 1.351 and Title II of this Act, an annual assessment is imposed under this section.

The committee amendment was read.

On motion of Senator Armbrister and by unanimous consent, Committee Amendment No. 1 was tabled.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 99** as follows:

(1) In Section 418.073(a), Government Code, as amended by SECTION 8 of the bill, (page 3, lines 47 and 48, senate committee report printing), strike "dedicated fund in the state treasury." and substitute "trust fund established in the Texas Treasury Safekeeping Trust Company, and shall be administered by that company as provided by Subchapter G, Chapter 404.".

(2) In Section 1.3531, Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes), as added by SECTION 9 of the bill (page 4, lines 15-21, senate committee report printing), strike Subsection (a) and substitute the following:

(a) In addition to the assessment imposed on each public utility within the commission's jurisdiction under Section 1.351 of this Act, an annual assessment is imposed under this section on each electric utility and municipally owned utility serving the ultimate customer.

(3) In Section 1.3531(f), Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes), as added by SECTION 9 of the bill (page 4, line 44, senate committee report printing) strike "Section 1.352 of this Act applies" and substitute "Sections 1.352 and 1.353 of this Act apply".

(4) Strike SECTIONS 11 and 12 of the bill, senate committee report printing, and substitute the following:

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 99** as follows:

Strike Subsection (e) of SECTION 9 of the bill (committee printing page 4, line 37-42) and substitute the following:

"(e) Each public utility and municipally owned electric utility shall file a tariff with each regulatory authority that has original jurisdiction over the rates of ultimate consumers for that utility. The adjustment provision takes effect and becomes part of the utility's rates on the date on which that tariff is filed with the appropriate regulatory authority. Section 2.108 of this Act does not apply to any action taken under this Section."

The amendment was read and was adopted by a viva voce vote.

HB 99 as amended was passed to third reading by the following vote: Yeas 19, Nays 7.

Yeas: Armbrister, Brown, Gallegos, Galloway, Harris, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Cain, Duncan, Ellis, Fraser, Haywood, Moncrief, Shapiro.

Absent: Barrientos, Bivins, Luna, Wentworth.

Absent-excused: Carona.

(Senator Brown in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Tuesday, May 20, 1997, by Senator Madla.

Senator Madla moved confirmation of the nominees reported Tuesday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

Senator Barrientos requested that the following nominees be severed:

To be Members of the SOUTHWEST TRAVIS COUNTY WATER DISTRICT BOARD OF DIRECTORS: D. Jarrett Bates, Travis County; Kirby L. Brown, Travis County; Kevin Cromack, Travis County; Colin G. Haza, Travis County; Mark C. Kelling, Travis County; Kenneth Bruce Levine, Travis County; Duncan C. Norton, Travis County; Darlene Rojas-Wilson, Travis County; John Francis Williams, Travis County.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported Tuesday by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

Members, Credit Union Commission: GAROLD R. BASE, Collin County; RICHARD ALLEN GLASCO, Jr., Travis County; ROBERT S. HAYES, Randall County; L. GAIL MACKIE, Tarrant County; J. HOWELL "HAL" THOMAS, Harris County.

Members, Texas Optometry Board: CAROLYN R. CARMAN-MERRIFIELD, O.D., Tarrant County; KEVIN D. DEWOLFE, O.D., Travis County; KATHERINE MICHELLE GARRETT, Palo Pinto County; MARK A. LATTA, O.D., Randall County.

Members, Texas Southern University Board of Regents: ALBERT C. BLACK, Jr., Dallas County; THOMAS H. FRIEDBERG, Fort Bend County; WILLARD L. JACKSON, Jr., Harris County.

Members, Texas State University System Board of Regents: JOHN PHILIP HAGEMAN, Williamson County; THOMAS M. MOELLER,

Jefferson County; NANCY R. NEAL, Lubbock County; FLOYD NICKERSON, Taylor County; POLLYANNA ALLISON STEPHENS, Tom Green County; MACEDONIO "MASSEY" VILLARREAL, Fort Bend County.

Members, Texas Woman's University Board of Regents: MARIE CHAPMAN MARTCH, Bell County; DOUGLAS BERT MYERS, Collin County; CYNTHIA SHEPARD PERRY, Ed.D., Harris County.

Members, Texas Workforce Commission: BILL HAMMOND, Travis County; DIANE DOEHNE RATH, Bexar County.

Member, Agriculture Resources Protection Authority: GARY JOHNSON, Dallam County.

Members, Texas Board of Architectural Examiners: STEVEN ELLINGER, A.I.A., Taylor County; CHAO CHIUNG LEE, A.I.A., Harris County; DOROTHY VIRGINIA ROBERTS, Travis County.

Members, Texas School for the Deaf Governing Board: BEATRICE M. BURKE, Howard County; AULBY LAWRENCE "LARRY" GILLET, Tom Green County.

Members, Texas Historical Commission: J. P. BRYAN, Harris County; CHRIS JOHN CARSON, Bexar County; FRANK W. GORMAN, Jr., El Paso County; CARL RANDALL McQUEARY, Bell County; LINDA A. VALDEZ, Bexar County; CLINTON P. WHITE, Wharton County.

Members, Texas Council on Offenders with Mental Impairments: JAMES HOWELL CROMWELL, Cherokee County; CARL HAYS, Dallas County; CORINNE ANN MASON, Collin County.

Presiding Judge of the Eighth Administrative Judicial Region: ROGER JEFFERY "JEFF" WALKER, Tarrant County.

Members, Texas Commission for the Deaf and Hard of Hearing: DOUGLAS LARKIN BUSH, Harris County; JEAN HALE MATNEY, Tarrant County; TIMOTHY B. RARUS, Travis County; ROBIN E. RICCARDI, Lubbock County; BENNA TIMPERLAKE, Nueces County; EVA DAVIE WILLIAMS, Harris County.

Member, Board for Lease of Texas Department of Criminal Justice Lands: ALFRED M. "MAC" STRINGFELLOW, Bexar County.

Members, Midwestern State University Board of Regents: MAC WILMER CANNEDY, Jr., Wichita County; BARBARA JEAN DORMAN, Hale County; ELIZABETH A. GIFFORD, Randall County; ARNOLD WRAY OLIVER, Wichita County.

SENATE RULE 11.11 SUSPENDED
(Posting Rule)

On motion of Senator Harris and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might meet today.

PERMISSION TO MEET GRANTED

On motion of Senator Harris and by unanimous consent, the Committee on Administration was granted permission to meet while the Senate was in session.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 22, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 254, Recognizing the Very Special Arts-Texas program.

SCR 105, Instructing the enrolling clerk of the house to make corrections in **HB 337**.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

HOUSE BILL 110 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 110, Relating to land acquired by a taxing unit through foreclosure of a lien.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 110 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 110** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 110 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1173 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 1173, Relating to coverage by certain health benefit plans for certain serious mental illnesses.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1173** as follows:

Strike subsection (c) of Sec. 2 SCOPE OF ARTICLE (committee printing page 2, lines 21 through 24).

The amendment was read and was adopted by a viva voce vote.

CSHB 1173 as amended was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Fraser asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1173 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1173** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Fraser.

Absent-excused: Carona.

CSHB 1173 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Fraser asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1734 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1734, Relating to the monitoring of community mental health and mental retardation centers and local mental health and mental retardation authorities.

The bill was read second time.

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1734 as follows:

Strike subsection (e) of SECTION 1 of the bill (Engrossed printing page 1, line 19 through page 2, line 12) and substitute the following:

(e) The Board shall direct the Commissioner to appoint a committee to develop a plan which recommends:

(1) the most efficient and effective number of local authorities;

(2) the scope of responsibilities to be delegated by the state authority to the local authority;

(3) criteria by which local authorities shall be selected, including:

(A) demonstrated ability to assure consumer and family member participation in service planning and service evaluation;

(B) ability to demonstrate public accountability for service costs, quality, and outcomes for persons served;

(C) demonstrated ability to assemble and manage a network of service providers, assuring consumer choice;

(D) demonstrated ability to coordinate and direct a comprehensive array of mental health or mental retardation services; and

(E) a requirement that local authorities comply with V.T.C.A. Government Code Chapters 551 and 552;

(4) a selection process that:

(A) allows all qualified and interested entities to be fairly and objectively considered for the designation as a local authority; and

(B) results in a final selection that is based on cost effectiveness and ultimately the best interest of consumers and their families;

(5) criteria to ensure that contracting by the local authorities with providers:

(A) allows all qualified providers to be eligible to compete for contracts;

(B) results in the selection of the best bid, evaluated by cost-effectiveness and quality; and

(C) promotes choice by consumers among services and service providers;

(6) a time frame for implementation; and

(7) strategies to ensure that services are not disrupted.

(f) The Commissioner shall assure that:

(1) the committee membership includes an equal number of representatives of consumers, family members, existing local authorities, and private sector entities, including not for profit and for profit entities;

(2) safeguards are established to prevent any member from participating in the adoption of specific selection or bid criteria, any committee decision or any other action that may result in an unfair competitive advantage or otherwise compromise the selection process; and

(3) the committee deliberations are fully accessible to the public with ample opportunities for public input and participation.

(g) The plan approved by the committee shall be submitted to the Board for approval. Prior to approval of the plan, the Board shall provide:

- (1) public notice of its intent to consider the proposed plan;
- (2) an opportunity for public hearings on the proposed plan; and
- (3) public access to the proposed plan.

(h) The Board shall submit the approved plan to the Senate Health and Human Services Committee and the House Public Health Committee by September 1, 1998.

The committee amendment was read and was adopted by a viva voce vote.

HB 1734 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1734 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that HB 1734 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 1734 was read third time and was passed by a viva voce vote.

HOUSE BILL 2272 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2272, Relating to certain court costs a person convicted of certain offenses is required to pay.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 1

Amend HB 2272 by adding the following section and renumber the existing sections accordingly.

SECTION 4. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.019 to read as follows:

Art. 102.019. COSTS ON CONVICTION FOR FUGITIVE APPREHENSION. (a) A person shall pay \$5 as a court cost on conviction of:

- (1) a felony; or
- (2) a misdemeanor, including a criminal violation of a municipal ordinance, other than a conviction for an offense relating to pedestrians or the parking of a motor vehicle.

(b) The court shall assess and make a reasonable effort to collect the cost due under this article whether or not any other court cost is assessed or collected.

(c) For purposes of this article, a person is considered to have been convicted if:

- (1) a sentence is imposed;
- (2) the defendant receives community supervision or deferred adjudication; or
- (3) the court defers final disposition of the case.
- (d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.
- (e) The custodian of a county or municipal treasury shall:
 - (1) keep records of the amount of funds on deposit collected under this article; and
 - (2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.
- (f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).
- (g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.
- (h) The comptroller shall deposit the funds received under this article to the credit of the fugitive apprehension account in the general revenue fund.
- (i) Funds collected under this article are subject to audit by the comptroller.

SECTION 5. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0097 to read as follows:

Sec. 411.0097. FUGITIVE APPREHENSION ACCOUNT. The fugitive apprehension account is a special account in the general revenue fund. The legislature may appropriate funds in the account only for the purpose of paying for the cost to the department of apprehending individuals for whom warrants have been issued under Section 13, Article 42.18, Code of Criminal Procedure.

The amendment was read and was adopted by a viva voce vote.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2272** on page 3 of the bill, by striking line 58 and substituting the following:

"Management Institute 5.04%"

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 2272** on page 2 of the bill, by striking line 56.

The amendment was read and was adopted by a viva voce vote.

HB 2272 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2272 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2272** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 2272 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1019 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1019, Relating to the school district ad valorem tax rate.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1019** (Senate committee printed version) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 26.08, Tax Code (a), is amended to read as follows:

(a) If the governing body of a school district adopts a rate that exceeds the ~~[sum of the]~~ district's rollback tax ~~[effective maintenance]~~ rate, ~~[the rate of \$0.08, and the district's current debt rate,]~~ the registered voters of the district at an election held for that purpose must determine whether to limit the tax rate the governing body may adopt for the current year to the school district rollback tax rate. When increased expenditure of money by a school district is necessary to respond to a disaster, including a tornado, hurricane, flood, or other calamity, but not including a drought, that has impacted a school district and the governor has requested federal disaster assistance for the area in which the school district is located, an election is not required under this section to limit the tax rate the governing body may adopt for the year following the year in which the disaster occurs.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

CSSB 1019 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1019 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1019** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

CSSB 1019 was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Moncrief.

Absent-excused: Carona.

**HOUSE CONCURRENT RESOLUTION 137
ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

HCR 137, Memorializing Congress to create a NAFTA Trade Impact Fund.

The resolution was read second time and was adopted by a viva voce vote.

HOUSE BILL 1961 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1961, Relating to the transfer of certain state property from the Texas Department of Transportation to certain governmental entities.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1961** as follows:

In SECTION 1, subsection (d), subdivision (1)(A), (page 2, line 9 engrossed version), strike "or" and insert "and" in lieu thereof.

The committee amendment was read and was adopted by a viva voce vote.

HB 1961 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1961 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1961** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 1961 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Armbrister in Chair)

HOUSE BILL 1759 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1759, Relating to the pesticide use and application program.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1759 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1759** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 1759 was read third time and was passed by a viva voce vote.

HOUSE BILL 2339 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2339, Relating to the extension of restrictions imposing regular assessments in certain residential real estate subdivisions.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2339** on page 3, after line 14 and before line 15 by inserting the following:

"(e) The community association shall record a copy of the ballot or petition in the real property records in the county in which the subdivision is located prior to submission of the extension to a vote of the owners."

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2339** (committee printing, page 2, between lines 15 and 16) by inserting a new SECTION 2 of the bill to read as follows and by renumbering existing SECTION 2 of the bill as SECTION 3:

SECTION 2. Notice given by a petition committee under Chapter 201, Property Code, before the effective date of this Act in a good faith attempt to give notice for purposes of Section 201.008, Property Code, is validated as complying with that section as of the date on which the notice was given.

The amendment was read and was adopted by a viva voce vote.

HB 2339 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2339 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2339** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 2339 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 819 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 819, Relating to reducing the recidivism rate for individuals under the supervision of the Texas Department of Criminal Justice.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 819** as follows:

(1) In SECTION 4 of the bill, in proposed Section 497.003, Government Code, page 2, line 6, strike "odd-numbered" and substitute "calendar"

(2) Delete SECTION 7 of the bill, beginning on page 2, line 37, and renumber the subsequent sections accordingly.

(3) In SECTION 8 of the bill, delete subsections (d) and (e), and reletter the subsequent subsections accordingly.

The amendment was read and was adopted by a viva voce vote.

HB 819 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 819 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 819** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 819 was read third time and was passed by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 344, HB 422, HB 446, HB 564, HB 625, HB 685, HB 785, HB 932, HB 1209, HB 1439, HB 1504, HB 1865, HB 2029, HB 2600, HB 2618, HB 2649, HB 2861, HB 3031, HB 3250, HB 3337, HB 3367, HB 3448, HB 3492, HB 3515, HB 3544, HCR 144, HCR 204, HCR 226, HCR 268, HJR 55, HJR 96

HOUSE BILL 2880 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2880, Relating to certain activities allowed during the suspension of a license issued under the Private Investigators and Private Security Agencies Act.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2880 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2880** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 2880 was read third time and was passed by a viva voce vote.

HOUSE BILL 254 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 254, Relating to allowing the placement of directional signs for small businesses along certain highways.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 254 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 254** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 254 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 2396 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2396, Relating to the prevention of horse theft.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2396 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2396** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 2396 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

HOUSE BILL 1611 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 1611, Relating to the testing of natural gas piping systems in school district facilities.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1611** as follows:

On page 1, Sec. 1, delete subsection (e) (lines 37-42).

The amendment was read and was adopted by a viva voce vote.

CSHB 1611 as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE

HOUSE BILL 1611 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1611** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

CSHB 1611 was read third time and was passed by the following vote:
Yeas 29, Nays 1.

Nays: Haywood.

Absent-excused: Carona.

HOUSE BILL 219 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 219, Relating to the licensing of agents for health maintenance organizations.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 219 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 219** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 219 was read third time and was passed by a viva voce vote.

HOUSE BILL 3054 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3054, Relating to the creation of an immunization registry and to reporting requirements concerning immunizations; providing a criminal penalty.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3054** as follows:

(1) In Section 161.007, Health and Safety Code, as added by SECTION 1 of the bill (page 1, lines 16-42, Senate committee printing), strike Subsections (a), (b), (c), and (d) and substitute the following:

(a) The department, for purposes of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective childhood communicable disease prevention and control efforts, shall establish and maintain a childhood immunization registry. The department by rule shall develop guidelines to:

(1) protect the confidentiality of patients in accordance with Section 5.08, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes);

(2) inform a parent, managing conservator, or guardian of each patient about the registry;

(3) require the written consent of a parent, managing conservator, or guardian of a patient before any information relating to the patient is included in the registry; and

(4) permit a parent, managing conservator, or guardian to withdraw consent for the patient to be included in the registry.

(b) The childhood immunization registry must contain information on the immunization history that is obtained by the department under this section of each person who is younger than 18 years of age and for whom consent has been obtained in accordance with guidelines adopted under Subsection (a). The department shall remove from the registry information for any person for whom consent has been withdrawn.

(c) An insurance company, a health maintenance organization, or another organization that pays or reimburses a claim for an immunization of a person younger than 18 years of age shall provide an immunization history to the department. An insurance company, health maintenance organization, or other organization is not required to provide an immunization history to the department under this subsection for a person for whom consent has not been obtained in accordance with guidelines adopted under Subsection (a) or for whom consent has been withdrawn.

(d) A health care provider who administers an immunization to a person younger than 18 years of age shall provide an immunization history to the department unless the immunization history is submitted to an insurance company, a health maintenance organization, or another organization that pays or reimburses a claim for an immunization to a person younger than 18 years of age. The report shall be in a format prescribed by the department, which may include submission in writing, by electronic means, or by voice. A health care provider is not required to provide an immunization history to the department under this subsection for a person for whom consent has not been obtained in accordance with guidelines adopted under Subsection (a) or for whom consent has been withdrawn.

(2) In Section 161.007(h), Health and Safety Code, as added by SECTION 1 of the bill (page 1, lines 60-61, Senate committee printing), strike "as provided by Section 161.008 or".

(3) In Section 161.008, Health and Safety Code, as added by SECTION 1 of the bill (page 2, lines 8-21, Senate committee printing), strike Subsection (c) and substitute the following:

(c) The department, only with the consent of a child's parent, managing conservator, or guardian, may:

(1) obtain the data constituting an immunization record for the child from a public health district, a local health department, or a physician to the child; or

(2) release the data constituting an immunization record for the child to a public health district, a local health department, a physician to the child, or a school or child care facility in which the child is enrolled.

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3054** in SECTION 1, at the end of proposed Subsection (f), Section 161.007, Health and Safety Code (page 1, line 53, senate committee printing), by inserting between "properly" and the period ", subject to Section 161.004(d)".

The amendment was read and was adopted by a viva voce vote.

HB 3054 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 3054 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3054** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 3054 was read third time and was passed by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 606**

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 16, 1997

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 606** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

LUCIO
MADLA
SIBLEY
ZAFFIRINI
TRUAN

On the part of the Senate

HINOJOSA
KAMEL
GUTIERREZ
RABUCK
RANGEL

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the establishment and operation of a regional academic health center by The University of Texas System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 74, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. LOWER RIO GRANDE VALLEY
ACADEMIC HEALTH CENTER

Sec. 74.611. AUTHORITY TO ESTABLISH OR PARTICIPATE IN CENTER. (a) The Board of Regents of The University of Texas System may establish a regional academic health center serving Cameron, Hidalgo, Starr, and Willacy counties, and may include any medical institutions for participation in the program in the aforementioned counties, if general revenue funds are specifically appropriated by the legislature for that purpose. The center may consist of facilities located throughout the region. The board may execute and carry out affiliation or coordination agreements with any other entity or institution in the region to establish or to participate in the establishment or operation of the center, which includes all traditional and all other providers of health services to the counties listed in this subsection.

(b) The board of regents may assign responsibility for the management of the regional academic health center to any component institution or institutions of The University of Texas System. The operating costs of the regional academic health center shall be paid from operating funds of the component institution and from available funds of any other public or private entity.

(c) The regional academic health center may be used to provide undergraduate clinical education, graduate education, including residency training programs, or other levels of medical educational work in the counties identified in Subsection (a) in connection with any component institution or institutions of The University of Texas System as the board of regents determines appropriate.

Sec. 74.612. GIFTS AND GRANTS. The board of regents may accept and administer gifts and grants from any public or private person or entity for the use and benefit of the regional academic health center.

Sec. 74.613. FACILITIES. The physical facilities of the regional academic health center used in its teaching and research programs, including libraries, auditoriums, research facilities, and medical education buildings, may be provided by a public or private entity. A physical facility may be constructed, maintained, or operated with state money appropriated for that purpose.

Sec. 74.614. TEACHING HOSPITAL. A teaching hospital considered suitable by the board of regents may be provided by a public or private entity. The hospital may not be constructed, maintained, or operated with state funds.

Sec. 74.615. COORDINATING BOARD SUPERVISION. The regional academic health center is subject to the continuing supervision of the Texas Higher Education Coordinating Board under Chapter 61 and to the rules of the coordinating board adopted under Chapter 61.

SECTION 2. Not later than May 31, 1998, the Texas Higher Education Coordinating Board shall prepare an impact statement examining the initial implementation of this Act and shall deliver a copy of the statement to the Board of Regents of The University of Texas System and to the chairs of the standing committees of each house of the legislature with primary jurisdiction over higher education.

SECTION 3. This Act takes effect September 1, 1997.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

HOUSE BILL 3125 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3125, Relating to student participation in the selection or retention of food service providers at institutions of higher education.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 3125 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3125** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

HB 3125 was read third time and was passed by a viva voce vote.

HOUSE BILL 3203 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3203, Relating to the disposition of unclaimed funds by nonprofit cooperative corporations.

The bill was read second time.

Senator Duncan offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3203** as follows:

On page 8, lines 20 through 23, strike everything after the word "organized" on line 20 and substitute the following:

, including other or additional purposes benefiting members and non-members, whether directly or through affiliates, described in Article 2.01(A), Texas Non-Profit Corporation Act (Article 1396-2.01(A), Vernon's Texas Civil Statutes).

The committee amendment was read and was adopted by a viva voce vote.

HB 3203 as amended was passed to third reading by a viva voce vote.

SENATOR ANNOUNCED PRESENT

Senator Carona, who had previously been recorded as "Absent-excused," was announced "Present."

HOUSE BILL 3203 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3203** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3203 was read third time and was passed by a viva voce vote.

(Senator Carona in Chair)

VOTE RECONSIDERED

On motion of Senator Armbrister and by unanimous consent, the vote by which **HB 2272** was finally passed was reconsidered.

HB 2272, Relating to certain court costs a person convicted of certain offenses is required to pay.

Question—Shall **HB 2272** be finally passed?

Senator West offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 2272** in SECTION 3, at the end of proposed Article 102.075, Code of Criminal Procedure (page 4, between lines 17 and 18, Senate committee printing), by inserting the following:

"(m) If legislation enacted by the 75th Legislature, Regular Session, 1997, establishes the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, the amount of each court cost imposed by Subsection (a) is increased by 25 cents. If the additional amount of court costs is imposed in the amount provided by this subsection, the comptroller shall deposit the portion of the revenue derived from the additional amount of the costs provided by this subsection to the credit of an account in the state treasury that may be used only to provide funds for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University. The revenue deposited in that account under this subsection is excluded from the amount allocated under Subsection (h) to the accounts listed in that subsection."

The amendment was read.

Senator Wentworth moved to table Floor Amendment No. 4.

The motion to table was lost by the following vote: Yeas 4, Nays 20.

Yeas: Duncan, Fraser, Haywood, Wentworth.

Nays: Bivins, Brown, Cain, Carona, Ellis, Gallegos, Galloway, Harris, Lindsay, Lucio, Moncrief, Nelson, Nixon, Ogden, Patterson, Shapleigh, Truan, West, Whitmire, Zaffirini.

Absent: Armbrister, Barrientos, Luna, Madla, Ratliff, Shapiro, Sibley.

Question recurring on the adoption of Floor Amendment No. 4, the amendment was adopted by unanimous consent.

HB 2272 as amended was again finally passed by a viva voce vote.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate Ed Garza, newly elected city council member of San Antonio, accompanied by his campaign manager Jerald Lee.

The Senate welcomed its guests.

HOUSE BILL 2261 ON SECOND READING

On motion of Senator Lindsay and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2261, Relating to providing the court with certain information regarding a party in a civil action.

The bill was read second time.

Senator Lindsay offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2261** in SECTION 1, on line 23 by deleting "an additional cost" and inserting "a fine".

The committee amendment was read and was adopted by a viva voce vote.

HB 2261 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2261 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2261** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2261 was read third time and was passed by a viva voce vote.

HOUSE BILL 1662 ON SECOND READING

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1662, Relating to rates for certain lines of insurance.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1662** as follows:

(1) In SECTION 2 of the bill (page 1, line 27, committee printing), strike "September 1, 1997" and insert "January 1, 1998".

(2) In SECTION 2 of the bill (page 1, line 29, committee printing), strike "September 1, 1997" and insert "January 1, 1998".

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1662**, in SECTION 1 of the bill, in Section 3, Article 5.101, Insurance Code, by striking Subsection (r) (page 1, lines 12 through 24, committee printing), and inserting the following:

"(r) In order to avoid the circumvention of the flexible rating program, and notwithstanding the provisions of Article 17.22(b), a county mutual insurer is prohibited from writing private passenger automobile insurance for any risk at a rate, after applying all applicable discounts and policy fees, which is lower than the highest rate allowed under the flexibility band for that line. From the effective date of each benchmark rate, a county mutual shall have sixty (60) days to make any filing necessary to comply with this subsection and its rates in effect on the effective date of the benchmark rate shall continue in effect until such filing. The limitation in this subsection shall not apply to single interest insurance or insurance on mobile homes, motor homes, travel trailers, or motorcycles."

The amendment was read.

On motion of Senator Sibley and by unanimous consent, Floor Amendment No. 2 was withdrawn.

HB 1662 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1662 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1662** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1662 was read third time and was passed by a viva voce vote.

HOUSE BILL 3279 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3279, Relating to charges for access to Texas Workers' Compensation Commission information.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3279** by inserting the following sentence in between the words "available." and "The" on page 1 at line 16 of the committee printing:

However, when a request for information is for the inspection of 10 or fewer pages, and a copy of the information is not requested, the commission may charge only the cost of making a copy of the page from which confidential information must be redacted.

The amendment was read and was adopted by a viva voce vote.

HB 3279 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 3279 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3279** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3279 was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a group of students and their teacher from the Covenant Christian Academy of McAllen.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2561 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 2561, Relating to the administration of the Sexual Assault Prevention and Crisis Service.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2561 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2561** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 2561 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2517 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 2517, Relating to the audit of public junior college districts.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2517 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2517** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 2517 was read third time and was passed by a viva voce vote.

HOUSE BILL 2328 ON SECOND READING

On motion of Senator Lindsay and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2328, Relating to an exception to the open meetings law for certain deliberations of the board of a hospital district.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2328 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2328** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2328 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Ogden asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 2874 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2874, Relating to the collection and disposal of information pertaining to a criminal combination.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2874** as follows:

In SECTION 3, strike lines 21 through 35 of the committee printing and substitute the following:

Art. 61.06. DESTRUCTION OF RECORDS. (a) Except as provided by subsection (b), information ~~information~~ collected under this chapter must be destroyed after two years if the individual has not been charged with criminal activity.

(b) The information destruction requirements of subsection (a) are suspended until September 1, 1999.

The amendment was read and was adopted by a viva voce vote.

HB 2874 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2874 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2874** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2874 was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2503 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2503, Relating to certain solicitations made in relation to insured fire losses; providing a penalty.

The bill was read second time.

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 1

Amend Sec. 2, Subsection (2) of **HB 2503** as follows:

Strike "before the second day after the date on which the" and substitute "before 24 hours after the time at which the" (committee printing page 1, line 30).

The amendment was read and was adopted by a viva voce vote.

HB 2503 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2503 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2503** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2503 was read third time and was passed by a viva voce vote.

HOUSE BILL 3202 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3202, Relating to rate administration of workers' compensation insurance policies.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 3202 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3202** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3202 was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3329 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3329, Relating to requirements for governmental entities that acquire real property held in trust or sell real property to a trustee.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 3329 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3329** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3329 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3278 ON SECOND READING**

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 3278, Relating to designating the Texas National Guard Counterdrug Support Program as a law enforcement agency in certain circumstances.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3278 ON THIRD READING**

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3278** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 3278 was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3522 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3522, Relating to the administration and enforcement of the workers' compensation law; providing penalties.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend Section 3 of **HB 3522** as follows:

1) On page 1, beginning on line 57, through line 61, strike the language beginning with "Out" and ending with "fraud."

2) On page 2, beginning on line 43, through line 48, strike the language beginning with "Out" and ending with "fraud."

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3522** as follows:

1) On page 2, strike lines 68 through page 3, line 4, and substitute the following:

Sec. 415.024 BREACH OF SETTLEMENT AGREEMENT;
ADMINISTRATIVE VIOLATION. A material and substantial breach of

a settlement agreement that establishes a compliance plan is a Class A administrative violation. In determining the amount of the penalty, the commission shall consider the total volume of claims handled by the insurance carrier.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 3522** as follows:

Insert the following as a new section and renumber any subsequent sections accordingly:

"Section 408.161(a), Labor Code, is amended to read as follows:

(a) Lifetime income benefits are paid until the death of the employee for:

- (1) total and permanent loss of sight in both eyes;
- (2) loss of both feet at or above the ankle;
- (3) loss of both hands at or above the wrist;
- (4) loss of one foot at or above the ankle and the loss of one hand at or above the wrist;

(5) an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg; or

(6) a physically traumatic injury to the brain [~~an injury to the skull~~] resulting in incurable insanity or imbecility."

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 3522** as follows:

(1) In SECTION 9 (page 3, line 5, committee printing), following "(a)", strike "This", and substitute "Except as provided in Subsection (b), this".

(2) In SECTION 9, insert a new Subsection (b) (page 3, between lines 5 and 6, committee printing), to read as follows:

"(b)Section 408.104, Labor Code, as added by SECTION 5 of this Act, takes effect January 1, 1998."

(3) Renumber the subsequent subsections appropriately.

The amendment was read and was adopted by a viva voce vote.

HB 3522 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 3522 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3522 was read third time and was passed by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1880**

Senator Truan submitted the following Conference Committee Report:

Austin, Texas
May 22, 1997

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1880** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

TRUAN
RATLIFF
ZAFFIRINI
SIBLEY
SHAPLEIGH

THOMPSON
HARTNETT
LUNA
SOLIS
CRABB

On the part of the Senate On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**COMMITTEE SUBSTITUTE
HOUSE BILL 583 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 583, Relating to public education, including the parental involvement division of the Texas Education Agency, waivers by school campuses and districts, public school campus report cards, liability of school districts, and the use of certain public school funds.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 583** by inserting at the appropriate location and renumbering **SECTIONS** accordingly:

SECTION ____. Section 37.006, Education Code, is amended to read as follows:

Sec. 37.006. REMOVAL FOR CERTAIN CONDUCT. (a) Except as provided by Section 37.007(a)(3), a student shall be removed from class and placed in an alternative education program as provided by Section 37.008 if

the ~~[engages in conduct punishable as a felony, or]~~ student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(1) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code, or terroristic threat under Section 22.07, Penal Code;

(2) sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(A) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or

(B) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(3) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(4) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code; or

(5) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.

(b) Except as provided by Section 37.007(c), a student shall be removed from class and placed in an alternative education program under Section 37.008 if the student engages in conduct that contains the elements of the offense of retaliation under Section 36.06, Penal Code, against any school employee.

(c) A student shall be removed from class and placed in an alternative education program under Section 37.008 if:

(1) the student receives deferred prosecution under Section 53.03, Family Code for conduct defined as a felony offense in Title 5, Penal Code;

(2) a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code for conduct defined as a felony offense in Title 5, Penal Code; or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as a felony offense in Title 5, Penal Code.

(d) A student may be removed from class and placed in an alternative education program if:

(1) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code, and

(2) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

(e) In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee may consider all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

(f) The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity.

(g) Upon receipt of notice under Subsection (g), Article 15.27, Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

(h) The student or the student's parent or guardian may appeal the superintendent's decision under subsection (g) of this section to the board of trustees. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next scheduled meeting, review the notice provided under Subsection (g), Article 15.27, Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the superintendent or superintendent's designee, and confirm or reverse the decision under subsection (g) of this section. The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or superintendent's designee, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner under subsection (i) of this section.

(i) The decision of the board of trustees under subsection (h) of this section may be appealed to the commissioner as provided by Section 7.057(b), (c), (d), and (f) of this Title. The student may not be returned to the regular classroom pending the appeal.

SECTION __. Subsections (a), (c), and (h), Article 15.27, Code of Criminal Procedure, are amended to read as follows:

(a) A law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile court ~~[takes into custody as provided by Chapter 52, Family Code, an individual]~~ who the agency knows or believes is enrolled as a student in a public primary or secondary school, for an offense listed in Subsection (h) ~~[of this article]~~, shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled or believed to be enrolled of that arrest or referral ~~[detention]~~ within 24 hours after the arrest or referral is made ~~[detention]~~, or on the next school day. The superintendent shall promptly

notify all instructional and support personnel who have responsibility for supervision of [regular contact with] the student. All personnel shall keep the information received in this subsection confidential. The State Board for Educator Certification may revoke or suspend the certification of personnel who intentionally violate this subsection. Within seven days after the date the oral notice is given, the law enforcement agency shall mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the superintendent or the person designated by the superintendent. Both the oral and written notice shall contain sufficient details of the referral or arrest and the acts allegedly committed by the student to enable the superintendent or the superintendent's designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code. The information contained in the notice may be considered by the superintendent or the superintendent's designee in making such a determination. ~~The written notification must have the following printed on its face in large, bold letters: "WARNING: The information contained in this notice is intended only to inform appropriate school personnel of an arrest or detention of a student believed to be enrolled in this school. An arrest or detention should not be construed as proof that the student is guilty. Guilt is determined in a court of law. THE INFORMATION CONTAINED IN THIS NOTICE IS CONFIDENTIAL!"~~

(c) A parole or probation office having jurisdiction over a student described by Subsection (a), (b), or (e) ~~[of this article]~~ who transfers from a school or is subsequently removed from a school and later returned to a school or school district other than the one the student was enrolled in when the arrest, referral to a juvenile court [detention] conviction, or adjudication occurred shall notify the new school officials of the arrest or referral [detention] in a manner similar to that provided for by Subsection (a) or (e)(1) ~~[of this article]~~, or of the conviction or delinquent adjudication in a manner similar to that provided for by Subsection (b) or (e)(2) of this article.

(h) This article applies to any felony offense [an offense listed in Section 8(c), Article 42.18, Code of Criminal Procedure; reckless conduct, as described by Section 22.05, Penal Code; or a terroristic threat, as described by Section 22.07, Penal Code;]

~~[(2) the unlawful use, sale or possession of a controlled substance; drug paraphernalia, or marihuana, as defined by Chapter 481, Health and Safety Code;]~~

~~[(3) the unlawful possession of any of the weapons or devices listed in Sections 46.01(1)-(14) or (16), Penal Code; or a weapon listed as a prohibited weapon under Section 46.05, Penal Code; or]~~

~~[(4) a criminal offense under Section 71.02, Penal Code].~~

SECTION __. Amend Subsection (g), Article 1527, Code of Criminal Procedure to read as follows:

(g) ~~On receipt of notice under this article, a school official may take the precautions necessary to prevent further violence in the school, on school property, or at school sponsored or school-related activities on or off school property, but may not penalize a student solely because a notification is received about the student. The office of the prosecuting attorney or the~~

office or official designated by the juvenile court shall within two working days notify the school district that removed a student to an alternative education program under Section 37.006, Education Code, if:

(1) prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

(2) the court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

SECTION __. Subsection (e)(1), Article 15.27, Code of Criminal Procedure, is amended to read as follows:

(1) A law enforcement agency that arrests, or refers to a juvenile court under Chapter 52, Family Code, [detains] an individual who [that] the law enforcement agency knows or believes is enrolled as a student in a private primary or secondary school, shall make the oral and written notifications described by Subsection (a) [of this article] to the principal or a school employee designated by the principal of the school in which the student is enrolled.

SECTION __. The above SECTIONs take effect beginning with the 1997-1998 school year.

RATLIFF
BIVINS

The amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 583** by adding the following as a new SECTION 4 and renumbering subsequent sections appropriately:

"SECTION 4. Subsections (a), (b), and (c), Article 15.27, Code of Criminal Procedure, are amended to read as follows:

(a) A law enforcement agency that arrests or takes into custody as provided by Chapter 52, Family Code, an individual who the agency ~~[knows or]~~ believes is enrolled as a student in a public primary or secondary school, for an offense listed in Subsection (h) of this article, shall attempt to ascertain whether the person is so enrolled. If the law enforcement agency ascertains that the individual is enrolled as a student in a public primary or secondary school, the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled ~~[or believed to be enrolled]~~ of that arrest or detention within 24 hours after the arrest or detention, or on the next school day. If the law enforcement agency cannot ascertain whether the individual is enrolled as a student, the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of that arrest or detention within 24 hours after the arrest or detention, or on the next school day. If the individual is a student, the [The] superintendent shall promptly notify all instructional and support personnel who ~~have regular contact with~~ are responsible for the supervision of the

student. All personnel shall keep the information received in this subsection confidential. The State Board for Educator Certification may revoke or suspend the certification of personnel who intentionally violate this subsection. Within seven days after the date the oral notice is given, the law enforcement agency shall mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the superintendent or the person designated by the superintendent. The written notification must have the following printed on its face in large, bold letters: "WARNING: The information contained in this notice is intended only to inform appropriate school personnel of an arrest or detention of a student believed to be enrolled in this school. An arrest or detention should not be construed as proof that the student is guilty. Guilt is determined in a court of law. THE INFORMATION CONTAINED IN THIS NOTICE IS CONFIDENTIAL!"

(b) On conviction or on an adjudication of delinquent conduct of an individual enrolled as a student in a public primary or secondary school, for an offense or for any conduct listed in Subsection (h) of this article, the office of the prosecuting attorney acting in the case shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of the conviction or adjudication. Oral notification must be given within 24 hours of the time of the determination of guilt, or on the next school day. The superintendent shall promptly notify all instructional and support personnel who are responsible for the supervision of the student. Within seven days after the date the oral notice is given, the office of the prosecuting attorney shall mail written notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication is grounded.

(c) A parole or probation office having jurisdiction over a student described by Subsection (a), (b), or (e) of this article who transfers from a school or is subsequently removed from a school and later returned to a school or school district other than the one the student was enrolled in when the arrest, detention, conviction, or adjudication occurred shall notify the new school officials of the arrest or detention in a manner similar to that provided for by Subsection (a) or (e)(1) of this article, or of the conviction or delinquent adjudication in a manner similar to that provided for by Subsection (b) or (e)(2) of this article. The new school officials shall promptly notify all instructional and support personnel who are responsible for the supervision of the student.

SECTION 2. Article 15.27(d), Code of Criminal Procedure, is repealed.

The amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 3

Amend CSHB 583 by adding the following as a new SECTION 5 and renumbering subsequent sections appropriately:

"SECTION 5. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0031 to read as follows:

Sec. 37.0031. LIMITING ASSIGNMENT OF CERTAIN STUDENTS TO CLASS OF VICTIM. A student who has been adjudicated as having engaged in delinquent conduct as defined under Section 51.03, Family Code, that included violation of Section 21.11, 22.011, or 22.021, Penal Code, or who has been convicted of an offense under one of those sections, may not be assigned to the same class as the victim of that delinquent conduct or offense, as applicable, without the consent of the victim's parent or of the victim, if the victim is 18 years of age or older, unless the committee established under Section 37.003 determines that such a placement is the only alternative.

SECTION 2. Section 37.003(a), Education Code, is amended to read as follows:

(a) Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class or a parent or victim refuses the student's assignment to a class under Section 37.0031 and to make recommendations to the district regarding readmission of expelled students. Members shall be appointed as follows:

(1) the campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and

(2) the principal shall choose one member from the professional staff of a campus.

The amendment was read and was adopted by a viva voce vote.

CSHB 583 as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 583 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Barrientos and by unanimous consent, further consideration of **CSHB 583** was postponed to a time certain of 2:20 p.m. today.

Question—Shall **CSHB 583** be read third time?

HOUSE BILL 2681 ON SECOND READING

On motion of Senator Lindsay and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2681, Relating to the issuance of specially designed Texas license plates for Keep Texas Beautiful.

The bill was read second time.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2681**, as follows:

Strike all below the enacting clause and substitute the following:

SECTION 1. Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.2731 to read as follows:

Sec. 502.2731. KEEP TEXAS BEAUTIFUL LICENSE PLATES. (a) The department shall issue specially designed "Keep Texas Beautiful" license plates for passenger cars and light commercial motor vehicles having a manufacturer's rated carrying capacity of one ton or less. The license plates must include the words "Keep Texas Beautiful."

(b) The department shall design the license plate in consultation with Keep Texas Beautiful, Inc.

(c) The department shall issue license plates under this section to a person who:

(1) applies to the county assessor-collector of the county in which the person resides on a form provided by the department; and

(2) pays an annual fee of \$50, in addition to the fee prescribed by Section 502.161 or Section 502.162 and, if personalized prestige license plates are issued, in addition to the fee prescribed by Section 502.251.

(d) The department shall deposit fees collected under this section in the state treasury to the credit of the state highway fund.

(e) Forty-five dollars of each fee collected under Subsection (c)(2) may be used by the department only for the purposes of supporting the department's litter prevention and community beautification programs. The remainder of each fee collected may be used by the department only to defray the cost of administering this section.

(f) If license plates issued under this section are lost, stolen, or mutilated, the owner of the vehicle for which the license plates were issued may obtain replacement license plates from the department by paying a replacement fee of \$5. If the owner of a vehicle for which license plates were issued under this section disposes of the vehicle during a registration year, the person shall return the special license plates to the department.

(g) There is no limit to the number of passenger cars and light commercial motor vehicles for which the person may apply for the issuance of license plates under this section.

SECTION 2. Section 502.252, Transportation Code, is amended to read as follows:

Sec. 502.252. CERTAIN SPECIALIZED PLATES AVAILABLE PERSONALIZED. A person applying for license plates under Section 502.258, 502.259, 502.260, 502.261, 502.262, 502.263, 502.264, 502.265, 502.269, 502.270, 502.271, 502.272, 502.273, 502.2731, or 502.274 may:

(1) have a license plate number assigned by the department; or

(2) apply for personalized prestige license plates under Section 502.251.

SECTION 3. This Act takes effect September 1, 1997.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

HB 2681 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2681 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2681 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Ratliff in Chair)

HOUSE BILL 3372 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3372, Relating to the authority of certain municipalities to redesignate certain areas annexed for general purposes.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 3372 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3372** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3372 was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1914 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1914, Relating to the powers and duties of the Children's Trust Fund of Texas Council.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1914 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1914** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1914 was read third time and was passed by a viva voce vote.

HOUSE BILL 2768 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2768, Relating to records of the Texas Lottery Commission that are open for public inspection.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2768 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2768** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2768 was read third time and was passed by a viva voce vote.

HOUSE BILL 1968 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1968, Relating to punishing as contempt the violation of a condition of a peace bond.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1968 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1968** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1968 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 583 ON THIRD READING**

The Presiding Officer laid before the Senate **CSHB 583** on its third reading and final passage. The Constitutional Three-day Rule was suspended and further consideration was postponed to a time certain of 2:20 p.m. today.

CSHB 583, Relating to public education, including the parental involvement division of the Texas Education Agency, waivers by school campuses and districts, public school campus report cards, liability of school districts, and the use of certain public school funds.

Question—Shall **CSHB 583** be read third time?

VOTES RECONSIDERED

On motion of Senator Shapiro and by unanimous consent, the vote by which the Constitutional Three-day Rule on **CSHB 583** was suspended was reconsidered.

Question—Shall the Constitutional Three-day Rule be suspended?

On motion of Senator Shapiro and by unanimous consent, the vote by which **CSHB 583** was passed to third reading was reconsidered.

Question—Shall **CSHB 583** be passed to third reading?

On motion of Senator Shapiro and by unanimous consent, the vote by which Floor Amendment No. 3 was adopted was reconsidered.

Question—Shall Floor Amendment No. 3 to **CSHB 583** be adopted?

On motion of Senator Shapiro and by unanimous consent, Floor Amendment No. 3 was withdrawn.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 583** by adding the following as a new SECTION 5 and renumbering subsequent sections appropriately:

"SECTION 5. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0031 to read as follows:

Sec. 37.0031. LIMITING ASSIGNMENT OF CERTAIN STUDENTS TO CLASS OF VICTIM. A student who has been adjudicated as having engaged in delinquent conduct as defined under Section 51.03, Family Code, that included violation of Section 21.11, 22.011, or 22.021, Penal Code, or who has been convicted of an offense under one of those sections, may not be assigned to the same class as the victim of that delinquent conduct or offense, as applicable, without the consent of the victim's parent or the victim, if the victim is 18 years of age or older, unless the committee established under Section 37.003 determines that such a placement is the only alternative.

SECTION 2. Section 37.003(a), Education Code, is amended to read as follows:

(a) Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class or a parent or victim refuses the student's assignment to a class under Section 37.0031 and to make recommendations to the district regarding readmission of expelled students. Members shall be appointed as follows:

(1) the campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and

(2) the principal shall choose one member from the professional staff of a campus.

The amendment was read and was adopted by a viva voce vote.

CSHB 583 as amended was again passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 583 ON THIRD READING**

Senator Barrientos again moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 583 was read third time and was passed by a viva voce vote.

HOUSE BILL 1886 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1886, Relating to certain juror donations.

The bill was read second time.

Senator Lucio, on behalf of Senator Brown, offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1886** as follows:

In SECTION 1, Section 61.003, subsection (a), (committee printing page 1, lines 12-26), strike the following:

"(a) A person responsible under Section 62.013 or 62.014 for summoning prospective jurors to appear for jury service shall provide to each prospective juror a form letter that when signed by the prospective juror directs the county treasurer to donate all or part of the prospective juror's reimbursement for jury service to:"

and substitute the following:

"(a) ~~Each [A person responsible under Section 62.013 or 62.014 for summoning prospective jurors to appear for jury service shall provide to each]~~ prospective juror reporting for jury service shall be provided a form letter that when signed by the prospective juror directs the county treasurer to donate all ~~[or part]~~ of the prospective juror's reimbursement for jury service to:"

The amendment was read and was adopted by a viva voce vote.

HB 1886 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1886 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1886** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1886 was read third time and was passed by a viva voce vote.

HOUSE BILL 2062 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2062, Relating to rate proceedings before the commissioner of insurance.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2062** as follows:

(1) In Subsection (a) (page 1, line 18), at the end of the subsection, add the following: "This subsection is temporary and expires September 1, 2001."

(2) After Subsection (b) (page 1, line 47), add the following new subsection:

"(c) The Department shall provide evidence in proceedings before the commissioner or the designated hearings officer promoting the adoption of rates that promote access to full insurance coverage at rates that are fair and reasonable for underserved areas."

The amendment was read and was adopted by a viva voce vote.

HB 2062 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2062 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2062** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2062 was read third time and was passed by a viva voce vote.

HOUSE BILL 2626 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2626, Relating to the creation of a statewide preceptorship program in public health settings.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2626** by adding the following appropriately numbered SECTIONS and renumbering the remaining Sections of the bill accordingly:

SECTION ____ . Section 51.918(b), Education Code, is amended to read as follows:

(b) The Texas Higher Education Coordinating Board shall:

(1) encourage and coordinate the creation or expansion of a rural preceptor program among medical schools, teaching hospitals, nursing schools, and schools of allied health sciences; and

(2) require family practice residency programs to provide an opportunity for residents to have a one-month rotation through;

(A) a rural setting; and

(B) a public health setting.

SECTION __. The Texas Higher Education Coordinating Board shall require a family practice residency program to conform to Section 51.918(b), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act without causing undue disruption in the curriculum of a student in a family practice residency program on the effective date.

The amendment was read and was adopted by a viva voce vote.

HB 2626 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2626 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2626** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2626 was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

HOUSE BILL 253 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 253, Relating to granting limited state law enforcement authority to certain agents or officers of the United States government.

The bill was read second time and was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE

HOUSE BILL 253 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 253** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 253 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1168 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 1168, Relating to the Texas Manufacturing Institute.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1168 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1168** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 1168 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2033 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 2033, Relating to coverage for services provided through telemedicine under certain health benefit plans.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2033 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2033** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 2033 was read third time and was passed by a viva voce vote.

CONFERENCE COMMITTEE ON HOUSE BILL 2798

Senator Carona called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2798** and moved that the request be granted.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2798** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Carona, Chair; Ratliff, Sibley, Shapiro, and Zaffirini.

SENATE BILL 745 WITH HOUSE AMENDMENT

Senator Carona called **SB 745** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 745** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to a special license plate for a mother of a person who died while serving in the United States armed forces.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.292 to read as follows:

Sec. 502.292. GOLD STAR MOTHERS. (a) The department shall issue specially designed license plates for a passenger car or light truck owned by a mother of a person who died while serving in the United States armed forces.

(b) License plates issued under this section must include the words "Gold Star Mother" and a gold star.

(c) The department shall issue license plates under this section to a person who:

(1) applies to the department on a form prescribed by the department;

(2) pays an annual fee of \$10, in addition to the fee prescribed by Section 502.161 or 502.162, and, if personalized prestige license plates are issued, in addition to the fee prescribed by Section 502.251; and

(3) submits proof that the person is eligible under this section.

(d) The department shall send 50 cents of each fee collected under this section to the county treasurer of the county in which the applicant resides. The county treasurer shall credit money received under this section to the general fund of the county to pay the costs of administering this section. The remainder of each fee collected under this section shall be deposited to the credit of the state highway fund.

(e) A person may be issued only one set of license plates under this section.

(f) If the owner of a vehicle registered under this section disposes of the vehicle during the registration year, the owner shall return the special license plates to the department. The owner may then apply for issuance of those plates to another vehicle.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be

read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Carona, the Senate concurred in the House amendment to **SB 745** by a viva voce vote.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1836 ADOPTED

Senator Carona called from the President's table the Conference Committee Report on **HB 1836**. The Conference Committee Report was read and was filed with the Senate on Wednesday, May 21, 1997.

On motion of Senator Carona, the Conference Committee Report was adopted by a viva voce vote.

CONFERENCE COMMITTEE ON HOUSE BILL 2918

Senator Whitmire called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2918** and moved that the request be granted.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2918** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Whitmire, Chair; Shapiro, Patterson, Shapleigh, and Duncan.

SENATE BILL 395 WITH HOUSE AMENDMENTS

Senator Gallegos called **SB 395** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **SB 395** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill appropriately:

SECTION ____ Section 381.003, Local Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The commissioners court of a county may provide services authorized by Chapter 2308, Government Code, if the commissioners court enters into a contract with a local workforce development board for the provision of services authorized by Chapter 2308, Government Code. The

commissioners court may collect fees for the services performed and for unreimbursed costs associated with the provision of the services unless:

(1) state law prohibits the collection of the fee or unreimbursed cost; or

(2) the service provided is a service described by Subsections (a) and (b), 29 U.S.C. Section 49f.

(d) This section does not authorize a commissioners court to exercise any ordinance-making authority not otherwise specifically granted by state law.

Floor Amendment No. 2

Amend SB 395 by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill appropriately:

SECTION ____ . Chapter 271, Local Government Code, is amended by adding Subchapter G, Section 271.103, as follows:

SUBCHAPTER G. PURCHASES FROM FEDERAL SCHEDULE SOURCES OF SUPPLY.

Section 271.103. FEDERAL SUPPLY SCHEDULE SOURCES. (a) A local government may purchase goods or services available under Federal supply schedules of the United States General Services Administration to the extent permitted by Federal law.

(b) A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

The amendments were read.

Senator Gallegos moved to concur in the House amendments to SB 395.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 99 WITH HOUSE AMENDMENT

Senator Wentworth called SCR 99 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

Floor Amendment No. 1

Amend SCR 99 by striking "to the house" in the first resolving clause and substituting "to the senate".

The amendment was read.

On motion of Senator Wentworth, the Senate concurred in the House amendment to SCR 99 by a viva voce vote.

(President in Chair)

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

HB 65, HB 297, HB 492, HB 762, HB 776, HB 818, HB 836, HB 883, HB 1016, HB 1401, HB 1453, HB 1800, HB 1853, HB 2255, HB 2335, HB 2382, HB 2446, HB 2525, HB 3025, HB 3170, HCR 283

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 3:16 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 9:30 a.m. tomorrow.

AT EASE

The President at 3:16 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Moncrief at 3:21 p.m. called the Senate to order as In Legislative Session.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

HB 10 (Armbrister) Relating to a nonsubstantive revision of statutes relating to financial institutions, financial businesses, and credit, including conforming amendments, repeals, and penalties. (31-0) (31-0)

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 10** as follows:

(1) In the heading of Section 38.054, Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1172, line 21), between "MEDIA" and "SERVICES", insert "AND SUBSCRIPTION".

(2) At the end of Section 38.054(1), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1173, line 1), strike "or".

(3) Add a new Section 38.054(2), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1173, between lines 1 and 2), to read as follows:

"(2) a person selling merchandise under an arrangement in which the seller periodically ships the merchandise to a consumer who has consented in advance to receive the merchandise periodically; or".

(4) At the beginning of existing Section 38.054(2), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1173, line 2), strike "(2)" and substitute "(3)".

(5) At the end of Section 38.058(1), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, line 3), add "or".

(6) Strike Section 38.058(2), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, lines 4-7).

(7) At the beginning of existing Section 38.058(3), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, line 8), strike "(3)" and substitute "(2)".

(8) In the heading to Section 38.059, Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, line 13), between "LOCATIONS" and the period, insert "OR AT CONSUMER'S RESIDENCE".

The committee amendment was read and was adopted by a viva voce vote.

HB 308 (Wentworth) Relating to the authority to issue protective orders. (31-0) (31-0)

HB 312 (Whitmire) Relating to the offense of tampering with a witness. (31-0) (31-0)

HB 479 (Lindsay) Relating to the exemption from ad valorem taxation of marine cargo containers used exclusively in international commerce. (31-0) (31-0)

HB 561 (Zaffirini) Relating to the exchange of information between certain health care regulatory agencies. (31-0) (31-0)

HB 658 (Harris on behalf of Moncrief) Relating to the county of residence of certain persons released on parole or to mandatory supervision after serving sentences for sexual offenses. (31-0) (31-0)

Senator Harris, on behalf of Senator Moncrief, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 658** by deleting "25" from page 1, line 15 and inserting "22"

The committee amendment was read and was adopted by a viva voce vote.

HB 784 (Ellis) Relating to the hearing of oral argument by appellate courts. (31-0) (31-0)

HB 1012 (Duncan) Relating to the appointment of an environmental health officer in a home-rule municipality. (31-0) (31-0)

HB 1243 (Cain) Relating to energy savings projects for local governments. (31-0) (31-0)

**STATEMENT OF LEGISLATIVE INTENT
(Relating to Energy Savings Projects For Local Governments)**

Senator Cain offered the following statement of legislative intent on **HB 1243**:

House Bill 1243 allows a local government to enter into a contract for energy conservation measures to reduce energy consumption or operating costs.

Contracts authorized under this legislation include such things as: insulation of the building structure, automatic energy control systems, heating, ventilating, or air conditioning system modifications, lighting fixtures that increase energy efficiency, electric systems improvements or other energy-conservation-related improvements or equipment.

Key components in structuring these types of contracts are energy audits to determine the need for and extent of energy conservation measures, and the design and preparation of plans and specifications for recommended improvements to a governmental facility to effect necessary energy conservation measures.

CAIN

HB 1336 (Zaffirini) Relating to the emergency protection of children and to the issuance of a legislative continuance in an action for a protective order. (31-0) (31-0)

HB 1484 (Cain) Relating to the creation, administration, powers, duties, operation, and financing of the Gober Municipal Utility District. (31-0) (31-0)

HB 1534 (Zaffirini) Relating to the certification of mammography systems. (31-0) (31-0)

HB 1881 (Madla) Relating to initial training and continuing education for police chiefs. (31-0) (31-0)

HB 1974 (Shapiro) Relating to the payment of a supplemental salary to the district judges in Collin County and validation of certain prior acts of the commissioners court. (31-0) (31-0)

HB 2145 (Luna) Relating to removal of certain persons from the pool of prospective jurors. (31-0) (31-0)

HB 2156 (Luna) Relating to counties contracting for the combination of lists for a jury pool. (31-0) (31-0)

HB 2192 (Zaffirini) Relating to the establishment of a physician recruitment program for medically underserved areas. (31-0) (31-0)

HB 2389 (Zaffirini) Relating to the sale of laboratory services to certain persons by the Texas Department of Health. (31-0) (31-0)

HB 2448 (Nixon) Relating to the creation, administration, powers, duties, operation, and financing of the Lake Livingston Special Utility District; granting the authority to issue bonds. (31-0) (31-0)

HB 2451 (Nixon) Relating to the authority of the Department of Protective and Regulatory Services to obtain certain criminal history record information from the Department of Public Safety. (31-0) (31-0)

HB 2526 (Ogden) Relating to the duties of an attorney ad litem in a suit affecting the parent-child relationship. (31-0) (31-0)

HB 2531 (Ellis) Relating to the civil liability of certain persons for a child's conduct. (31-0) (31-0)

HB 2563 (Duncan) Relating to limiting the time within which certain water districts are required to hold confirmation elections. (31-0) (31-0)

HB 2596 (Zaffirini) Relating to the Texas Information and Referral Network providing information on health and human services. (31-0) (31-0)

HB 2673 (Zaffirini) Relating to the disclosure of health care information by certain providers of health care. (31-0) (31-0)

HB 2685 (Nelson) Relating to certain prohibited activities in the food stamp program. (31-0) (31-0)

HB 2688 (Lucio) Pertaining to the execution of documents on behalf of certain water districts. (31-0) (31-0)

HB 2689 (Lucio) Relating to estimates of, and delinquent assessments for, maintenance and operating expenses in certain water districts. (31-0) (31-0)

HB 2841 (Sibley) Relating to conforming the statutes to reflect the abolishment of the office of state treasurer. (31-0) (31-0)

HB 2920 (West) Relating to the operation of museums and historic sites in certain counties by nonprofit organizations. (31-0) (31-0)

HB 3012 (Harris) Relating to standard possession orders in suits affecting the parent-child relationship. (31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3012**, SECTION 1 of the bill, in amended Section 153.312(a), Family Code, in Subdivision (2) of that section (House Engrossment, page 1, line 24), between "resumes" and "[at 8 p.m.]", by inserting ", unless the court finds that visitation under this subdivision is not in the best interest of the child".

The committee amendment was read and was adopted by a viva voce vote.

HB 3101 (Carona) Relating to reimbursement of the Texas Department of Human Services from an inmate's trust fund. (31-0) (31-0)

HB 3135 (Harris on behalf of Moncrief) Relating to the application for mental retardation services by a guardian and to eligibility for guardianship. (31-0) (31-0)

HB 3233 (West) Relating to the regulation and training of code enforcement officers. (31-0) (31-0)

HB 3246 (Madla) Relating to designation of Spur 239 in Val Verde County. (31-0) (31-0)

HB 3314 (Nixon) Relating to the conversion of Polk County Fresh Water Supply District No. 2 into a municipal utility district and confirming the boundaries and directors of the district. (31-0) (31-0)

HB 3380 (Lucio) Relating to the adoption of the National Guard Mutual Assistance Counter-drug Activities Compact. (31-0) (31-0)

HB 3541 (Patterson) Relating to the statutory probate court of Galveston County. (31-0) (31-0)

HB 3542 (Carona) Relating to the creation of municipal courts of record for the City of Rowlett. (31-0) (31-0)

HB 3549 (Nixon) Relating to the creation, administration, powers, duties, functions, operations, and financing of the South Newton Special Utility District. (31-0) (31-0)

HCR 21 (Wentworth) Declaring rodeo the official sport of Texas. (viva voce vote)

Senator Wentworth offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend **HCR 21** as follows:

On page 2, line 11, between "in" and "Houston" insert "Fort Worth".

The committee amendment was read and was adopted by a viva voce vote.

HCR 145 (Sibley) Directing the Texas Department of Health to conduct a study of fluoridated public water supplies. (viva voce vote)

HCR 189 (Zaffirini) Directing the Health and Human Services Commission to improve access to healthcare for children. (viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Carona requested in writing that **HB 2025** be removed from the Local and Uncontested Calendar.

Senator Galloway requested in writing that **HB 2919** be removed from the Local and Uncontested Calendar.

Senator Carona requested in writing that **HB 2940** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Moncrief announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

MEMORIAL RESOLUTIONS

SR 809 - by Luna: In memory of Arthur Del Rose of San Antonio.

HCR 243 - (Ratliff): In memory of Robert W. Wright.

CONGRATULATORY RESOLUTIONS

SCR 106 - by Bivins: Congratulating the Canadian Wildcats High School girls track team.

SR 810 - by Barrientos: Congratulating Professor Lynn F. Anderson of Austin.

SR 811 - by Barrientos: Commending Louis Braeutigam of the Austin area.

SR 812 - by Brown: Congratulating Amanda Blackburn of Houston.

SR 813 - by Brown: Congratulating Ernesto and Marina Mata of Angleton.

SR 814 - by Ratliff: Congratulating John Robert Cobble of Mount Vernon.

SR 815 - by Cain: Commending the citizens of Greenville.

SR 816 - by Cain: Extending best wishes to the City of Bonham.

SR 817 - by Truan: Congratulating Patricia Diaz de Leon of Corpus Christi.

SR 818 - by Shapleigh: Congratulating Susan M. Lindsay of El Paso.

SR 819 - by Shapleigh: Congratulating the Honorable Edward S. Marquez of El Paso.

SR 820 - by Nelson: Congratulating Lori Zimmerman of Duncanville.

SR 821 - by Shapleigh: Congratulating Yolanda Arteaga of El Paso.

SR 822 - by Shapleigh: Congratulating Jan Helen Holland of El Paso.

SR 823 - by Shapleigh: Congratulating Glenna Beavers of El Paso.

SR 824 - by Shapleigh: Congratulating Mary Ann Clark of El Paso.

SR 825 - by Shapleigh: Congratulating Patricia Bulos of El Paso.

SR 826 - by Nelson: Congratulating Crystal Summons of Dallas.

SR 827 - by Nelson: Congratulating Christy Fisher of Duncanville.

SR 828 - by Nelson: Congratulating Mahnaz Rehmatullah of Lewisville.

HCR 240 - (Carona, Moncrief): Commending E. James Bowles.

HCR 241 - (Carona, Moncrief): Commending Leo L. Baker.

MISCELLANEOUS RESOLUTION

HCR 276 - (Ratliff): Designating May 20, 1997, Think Child Safety Day at the Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:43 p.m. adjourned until 9:30 a.m. tomorrow.

APPENDIX

SENT TO COMPTROLLER

May 22, 1997

SB 1406

